



General Assembly

**Bill No. 5041**

February Session, 2008

LCO No. 658

\*00658\_\_\_\_\_\*

Referred to Committee on Transportation

Introduced by:

REP. CAFERO, 142<sup>nd</sup> Dist.

SEN. MCKINNEY, 28<sup>th</sup> Dist.

***AN ACT CONCERNING THE CREATION OF A DEPARTMENT OF  
PUBLIC TRANSPORTATION, AVIATION AND PORTS AND A  
DEPARTMENT OF HIGHWAYS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2010*) (a) There shall be a  
2       Department of Public Transportation, Aviation and Ports which shall  
3       be responsible for all aspects of the planning, development,  
4       maintenance and improvement of public transportation, aviation and  
5       ports in the state. Said department shall constitute the successor to the  
6       powers, functions and duties of the Department of Transportation with  
7       respect to public transportation, aviation and ports.

8       (b) The department head shall be the Commissioner of Public  
9       Transportation, Aviation and Ports who shall be appointed by the  
10      Governor in accordance with the provisions of sections 4-5 to 4-8,  
11      inclusive, of the general statutes with the powers and duties therein  
12      prescribed. The commissioner may appoint such deputies as may be  
13      required and may, subject to the provisions of chapter 67 of the general

14 statutes, employ such agents, assistants and employees as he deems  
15 necessary to carry out his duties and responsibilities. He may retain  
16 and employ other consultants and assistants on a contract or other  
17 basis for rendering legal, financial, technical or other assistance and  
18 advice.

19 (c) The commissioner may issue rules and regulations for the  
20 efficient conduct of the business of the department. The commissioner  
21 may delegate: (1) To the deputy Commissioner of Public  
22 Transportation, Aviation and Ports any of his duties and  
23 responsibilities; (2) to the deputy commissioner for an operating  
24 bureau any of his duties and responsibilities which relate to the  
25 functions to be performed by that bureau; (3) to other officers,  
26 employees and agents of the department any of his duties and  
27 responsibilities that the commissioner deems appropriate, to be  
28 exercised under his supervision and direction.

29 (d) The commissioner shall have the following general powers,  
30 duties and responsibilities:

31 (1) To coordinate and develop comprehensive public transportation,  
32 aviation and port policy and planning and, together with the  
33 Commissioner of Highways, to develop a long-range master plan of  
34 transportation for the state;

35 (2) To coordinate and assist in the development and operation of a  
36 modern, safe, efficient and energy-conserving system of mass transit,  
37 marine and aviation facilities and services;

38 (3) To promote the coordinated and efficient use of all available and  
39 future modes of transportation;

40 (4) To study commuter and urban travel and, in cooperation with  
41 federal, regional and local agencies, organizations and persons, to  
42 formulate and implement plans and programs to improve such travel;

43 (5) To study means of providing facilities for parking motor vehicles

44 so as to encourage travel by the combination of motor vehicle and  
45 other modes of transportation and, in cooperation with federal,  
46 regional and local agencies, organizations and persons, to formulate  
47 and implement plans and programs for this purpose;

48 (6) To study means of improving transportation safety and to  
49 formulate and implement plans and programs and adopt regulations,  
50 in accordance with chapter 54 of the general statutes, for this purpose;

51 (7) To study the operations of existing airports, to determine the  
52 need for changes in such airports and the need for future airports, and  
53 to formulate and implement plans and programs to improve aviation  
54 facilities and services;

55 (8) To cooperate with federal, state, interstate and local agencies,  
56 organizations and persons performing activities relating to public  
57 transportation, aviation and ports;

58 (9) To exercise and perform such other duties and responsibilities as  
59 may be conferred by law;

60 (10) To prepare pertinent reports;

61 (11) To provide for the planning and construction of any capital  
62 improvements and the remodeling, alteration, repair or enlargement of  
63 any real asset that may be required for the development and operation  
64 of a safe, efficient system of mass transit, marine and aviation  
65 transportation, provided: (A) The acquisition, other than by  
66 condemnation, or the sale or lease of any property that is used for such  
67 purposes shall be subject to the review and approval of the State  
68 Properties Review Board in accordance with the provisions of  
69 subsection (f) of section 4b-3 of the general statutes; and (B) any  
70 contract for the planning, construction, remodeling, alteration, repair  
71 or enlargement of any public building which is estimated to cost more  
72 than five hundred thousand dollars shall be advertised and awarded  
73 in accordance with section 13b-20 of the general statutes;

74 (12) To adopt regulations pursuant to chapter 54 of the general  
75 statutes; and

76 (13) To participate, subject to the availability of funds, in transit-  
77 oriented development projects at or near transit facilities.

78 (e) The commissioner shall keep a record of all proceedings and  
79 orders pertaining to the matters under his direction and copies of all  
80 plans, specifications and estimates submitted to him. Said  
81 commissioner shall furnish to any court in this state, without charge,  
82 certified copies of any document or record pertaining to the operation  
83 of the department. Any certified document or record of the  
84 commissioner, attested as a true copy by the commissioner or a deputy  
85 commissioner, shall be competent evidence in any court of this state of  
86 the facts contained therein. The commissioner may delegate to a  
87 deputy commissioner the authority to sign any agreement, contract,  
88 document or instrument which said commissioner is authorized to  
89 sign and any such signature shall be binding and valid.

90 Sec. 2. (NEW) (*Effective January 1, 2010*) Whenever the terms  
91 "Commissioner of Transportation" or "Department of Transportation"  
92 appear in any public or special act, general statute or regulation of a  
93 state agency concerning public transportation, aviation or ports or any  
94 matter under the jurisdiction of the Department of Public  
95 Transportation, Aviation and Ports, they shall be deemed to refer to  
96 the Commissioner or Department of Public Transportation, Aviation  
97 and Ports, as the case may be.

98 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) There shall be a  
99 Department of Highways which shall be responsible for all aspects of  
100 the planning, development, maintenance and improvement of state  
101 highways, roads and bridges. Said department shall constitute the  
102 successor to the powers, functions and duties of the Department of  
103 Transportation with respect to highways, roads and bridges.

104 (b) The department head shall be the Commissioner of Highways

105 who shall be appointed by the Governor, in accordance with the  
106 provisions of sections 4-5 to 4-8, inclusive, of the general statutes, with  
107 the powers and duties therein prescribed. The commissioner may  
108 appoint such deputies as may be required and may, subject to the  
109 provisions of chapter 67 of the general statutes, employ such agents,  
110 assistants and employees as he deems necessary to carry out his duties  
111 and responsibilities. He may retain and employ other consultants and  
112 assistants on a contract or other basis for rendering legal, financial,  
113 technical or other assistance and advice.

114 (c) The commissioner may issue rules and regulations for the  
115 efficient conduct of the business of the department. The commissioner  
116 may delegate: (1) To a deputy commissioner any of his duties and  
117 responsibilities; and (2) to other officers, employees and agents of the  
118 department any of his duties and responsibilities that the  
119 commissioner deems appropriate, to be exercised under his  
120 supervision and direction.

121 (d) The commissioner may adopt regulations, in accordance with  
122 the provisions of chapter 54 of the general statutes, establishing  
123 reasonable fees for any application submitted to the Department of  
124 Transportation or the State Traffic Commission for: (1) A state  
125 highway right-of-way encroachment permit, or (2) a certificate of  
126 operation for an open air theater, shopping center or other  
127 development generating large volumes of traffic pursuant to sections  
128 14-311 and 14-311a of the general statutes, provided the fees so  
129 established shall not exceed one hundred twenty-five per cent of the  
130 estimated administrative costs related to such applications. The  
131 commissioner may exempt municipalities from any fees imposed  
132 pursuant to this subsection.

133 (e) The commissioner shall have the following general powers,  
134 duties and responsibilities:

135 (1) To coordinate and develop comprehensive highway and bridge  
136 policy and planning, and to develop, together with the Commissioner

137 of Public Transportation, Aviation and Ports, a long-range master plan  
138 of transportation for the state;

139 (2) To coordinate and assist in the development and operation of a  
140 modern, safe, efficient and energy-conserving system of highway and  
141 bridge facilities and services;

142 (3) To study commuter and urban travel and, in cooperation with  
143 federal, regional and local agencies, organizations and persons, to  
144 formulate and implement plans and programs to improve such travel;

145 (4) To study means of providing facilities for parking motor vehicles  
146 so as to encourage travel by the combination of motor vehicle and  
147 other modes of transportation and, in cooperation with federal,  
148 regional and local agencies, organizations and persons, to formulate  
149 and implement plans and programs for this purpose;

150 (5) To study means of improving highway safety, to formulate and  
151 implement plans and programs and to adopt regulations, in  
152 accordance with chapter 54 of the general statutes, for this purpose;

153 (6) To cooperate with federal, state, interstate and local agencies,  
154 organizations and persons performing activities relating to highways  
155 and bridges;

156 (7) To exercise and perform such other duties and responsibilities as  
157 may be conferred by law;

158 (8) To prepare pertinent reports;

159 (9) To provide for the planning and construction of any capital  
160 improvements and the remodeling, alteration, repair or enlargement of  
161 any real asset that may be required for the development and operation  
162 of a safe, efficient system of highway transportation, provided: (A) The  
163 acquisition, other than by condemnation, or the sale or lease of any  
164 property that is used for such purposes shall be subject to the review  
165 and approval of the State Properties Review Board in accordance with

166 the provisions of subsection (f) of section 4b-3 of the general statutes;  
167 and (B) any contract for the planning, construction, remodeling,  
168 alteration, repair or enlargement of any public building which is  
169 estimated to cost more than five hundred thousand dollars shall be  
170 advertised and awarded in accordance with section 13b-20n of the  
171 general statutes;

172 (10) To adopt regulations pursuant to chapter 54 of the general  
173 statutes; and

174 (11) To participate, subject to the availability of funds, in transit-  
175 oriented development projects at or near transit facilities.

176 (f) The commissioner shall keep a record of all proceedings and  
177 orders pertaining to the matters under his direction and copies of all  
178 plans, specifications and estimates submitted to him. Said  
179 commissioner shall furnish to any court in this state, without charge,  
180 certified copies of any document or record pertaining to the operation  
181 of the department. Any certified document or record of the  
182 commissioner, attested as a true copy by the commissioner, any  
183 deputy commissioner or the chief engineer of the department shall be  
184 competent evidence in any court of this state of the facts therein  
185 contained. The commissioner may delegate, to a deputy commissioner  
186 or the chief engineer, the authority to sign any agreement, contract,  
187 document or instrument which the commissioner is authorized to sign  
188 and any such signature shall be binding and valid.

189 Sec. 4. (NEW) (*Effective January 1, 2010*) Whenever the terms  
190 "Commissioner of Transportation" or "Department of Transportation"  
191 appear in any public or special act, general statute, or regulation of a  
192 state agency concerning highways, roads and bridges or any matter  
193 under the jurisdiction of the Department of Highways, they shall be  
194 deemed to refer to the Commissioner or Department of Highways, as  
195 the case may be.

196 Sec. 5. Section 13b-2 of the general statutes is repealed and the

197 following is substituted in lieu thereof (*Effective January 1, 2010*):

198 The following terms, when used in this [chapter] title shall have the  
199 following meanings, unless the context otherwise requires:

200 (1) "Aeronautics", "air navigation facility", "airport" and "restricted  
201 landing area" shall have the meanings prescribed in section 15-34 of  
202 the 2008 supplement to the general statutes;

203 (2) "Bureau" means any of the operating bureaus established in the  
204 department pursuant to the provisions of section 4-8;

205 (3) "Commissioner" means the Commissioner of Public  
206 Transportation, Aviation and Ports appointed pursuant to this chapter;

207 (4) "Department" means the Department of Public Transportation,  
208 Aviation and Ports established pursuant to this chapter;

209 (5) "Highway", "state highway" and "limited access state highway"  
210 shall have the meanings prescribed in section 13a-1;

211 (6) "Motor carrier" means any person who operates motor vehicles  
212 over the highways of this state, whether over regular or irregular  
213 routes, in the transportation of passengers or property, or any class or  
214 classes thereof, for hire by the general public or for hire under special  
215 and individual contracts;

216 (7) "Person" may include the United States, any state, or any agency,  
217 instrumentality, department or officer thereof;

218 (8) "State highway system" shall have the meaning prescribed in  
219 sections 13a-14 and 13a-15;

220 (9) "Transportation" means any form of transportation for people or  
221 goods within, to or from the state, whether by highway, air, water, rail  
222 or any other means.

223 Sec. 6. Section 13b-4a of the general statutes is repealed and the



224 following is substituted in lieu thereof (*Effective January 1, 2010*):

225 The Commissioner of Public Transportation, Aviation and Ports  
226 may, at the request of any nonprofit corporation or association  
227 providing transportation services to the elderly or handicapped in this  
228 state, certify, to the extent necessary for such corporation or association  
229 to apply for and receive federal funds for the purchase and  
230 maintenance of buses, vans and radiodispatch equipment under the  
231 provisions of the Urban Mass Transportation Act, that such nonprofit  
232 corporation or association is providing transportation services for the  
233 elderly and handicapped in this state. Said commissioner may adopt  
234 regulations in accordance with the provisions of chapter 54 to  
235 implement the purposes of this section.

236 Sec. 7. Section 13b-4b of the general statutes is repealed and the  
237 following is substituted in lieu thereof (*Effective January 1, 2010*):

238 Wherever the term "Public Utilities Control Authority" occurs or is  
239 referred to in chapters 245, 245a and 245b relating to the duties and  
240 responsibilities of said authority, it shall be deemed to mean or refer to  
241 the Commissioner of Public Transportation, Aviation and Ports.

242 Sec. 8. Section 13b-4c of the general statutes is repealed and the  
243 following is substituted in lieu thereof (*Effective January 1, 2010*):

244 Notwithstanding any section of the general statutes to the contrary,  
245 no state agency, other than the Department of Public Transportation,  
246 Aviation and Ports, shall expend funds in support of, or make state  
247 property available for use in, any transportation program for the  
248 elderly or the handicapped unless the Commissioner of Public  
249 Transportation, Aviation and Ports certifies, in writing, that: (1) The  
250 commissioner has reviewed and concurs in such expenditure or use;  
251 (2) such expenditure or use is consistent with the transportation  
252 policies of the state; and (3) such expenditure or use will not result in  
253 the unnecessary duplication of service. The provisions of this section  
254 shall not apply to any transportation service not available to the

255 general public that is provided by any such program.

256 Sec. 9. Section 13b-4d of the 2008 supplement to the general statutes  
257 is repealed and the following is substituted in lieu thereof (*Effective*  
258 *January 1, 2010*):

259 (a) Notwithstanding any other provision of the general statutes, the  
260 Commissioner of Public Transportation, Aviation and Ports may  
261 declare a state of emergency and may employ, in any manner, such  
262 assistance as he may require to restore any railroad owned by the state  
263 or any of its subdivisions or the facilities, equipment or service of such  
264 railroad, or any transit system or its facilities, equipment or service, or  
265 any airport when: (1) A railroad system owned by the state or any of  
266 its subdivisions or any of the facilities or equipment of such railroad  
267 system is deemed by the commissioner to be in an unsafe condition or  
268 when there is an interruption of essential railroad services, whether or  
269 not such system or any of its facilities or equipment is physically  
270 damaged; (2) a transit facility owned by the state or any of its  
271 subdivisions or the equipment of such facility is damaged as a result of  
272 a natural disaster or incurs substantial casualty loss which results in  
273 what is deemed by the commissioner to be an unsafe condition or  
274 when there is an interruption of essential transit services; or (3) an  
275 airport owned or operated by the state or any of its subdivisions or the  
276 equipment of such airport is damaged as a result of a natural disaster  
277 or incurs substantial casualty loss which results in what is deemed by  
278 the commissioner to be an unsafe condition or when there is an  
279 interruption of essential transit services.

280 (b) When a privately-owned railroad system, its facility or  
281 equipment is damaged as a result of a natural disaster or incurs  
282 substantial casualty loss which results in an unsafe condition or the  
283 interruption of essential railroad service, the railroad company may  
284 request the commissioner to declare a state of emergency, and said  
285 commissioner may comply with such request and may provide  
286 assistance to such railroad company in any manner he deems

287 necessary to restore said railroad system, facility, equipment or service.

288 Sec. 10. Section 13b-11a of the general statutes is repealed and the  
289 following is substituted in lieu thereof (*Effective January 1, 2010*):

290 (a) There shall be in the Department of Public Transportation,  
291 Aviation and Ports a Connecticut Public Transportation Commission  
292 which shall be a successor to the Connecticut Public Transportation  
293 Authority and which shall consist of nineteen members, who are  
294 electors of the state. Eleven of such members shall be appointed by the  
295 Governor, one of whom shall be a representative of business and  
296 industry and a regular user of railroad or truck freight service; one a  
297 regular commuter using railroad passenger service; one a regular bus  
298 user; one who is permanently mobility impaired and a frequent bus  
299 user; one a working member of a railroad labor union; one a working  
300 member of a bus labor union; one a representative of railroad company  
301 management; one a representative of trucking company management;  
302 two representatives from separate local transit districts and one a  
303 person sixty years of age or older. The remaining eight members shall  
304 have a background or interest in public transportation and be  
305 appointed as follows: Two by the president pro tempore of the Senate;  
306 two by the minority leader of the Senate; two by the speaker of the  
307 House of Representatives; and two by the minority leader of the House  
308 of Representatives. The Commissioner of Public Transportation,  
309 Aviation and Ports, the Commissioner of Environmental Protection,  
310 the Secretary of the Office of Policy and Management and the  
311 cochairpersons of the joint standing committee of the General  
312 Assembly having cognizance of matters relating to transportation, or  
313 their respective designees, shall serve as nonvoting, ex-officio  
314 members of the commission. The term of each member of the  
315 commission shall be four years. The term of any member who was  
316 appointed by the Governor and who is serving on the commission on  
317 October 1, 1985, shall expire December 31, 1985. The term of any  
318 member who was appointed by any legislator and who is serving on  
319 the board on October 1, 1985, shall expire December 31, 1987.

320 Vacancies on said commission shall be filled for the remainder of the  
321 term in the same manner as original appointments.

322 (b) The commission shall advise and assist the commissioner, the  
323 Governor and the joint standing committee of the General Assembly  
324 having cognizance of matters relating to transportation in the  
325 performance of their functions and duties relating to the planning,  
326 development and maintenance of adequate rail, bus and motor carrier  
327 facilities and rail, bus and other public transportation services  
328 including the adequacy of such services for elderly and disabled users  
329 in the state and any other matters affecting the quality of public  
330 transportation facilities and services in the state. At least once each  
331 year, the commission shall hold public hearings in each of the  
332 metropolitan areas, as determined by the commission, within the state  
333 for the purpose of evaluating the adequacy of such rail, bus, motor  
334 carrier and other public transportation facilities.

335 (c) The commission shall assist the commissioner in developing  
336 regulations to formalize arrangements between the department and  
337 local transit districts, between local transit districts and transit system  
338 operators and between local transit districts.

339 (d) Repealed by P.A. 77-33, S. 1.

340 (e) On or before January first, annually, the commission shall submit  
341 in writing to the commissioner, the Governor and the Connecticut  
342 Transportation Strategy Board, established pursuant to section 13b-  
343 57e, (1) a list of public transportation projects, which, if undertaken by  
344 the state, would further the policy set forth in section 13b-32, including  
345 projects specifically for elderly and disabled users; (2)  
346 recommendations for improvements to existing public transportation  
347 service and projects, incorporating transportation service and projects  
348 relative to the needs of elderly and disabled persons and including  
349 proposals for legislation and regulations; (3) recommendations for  
350 disincentives to free parking, including urban and suburban  
351 employment centers; (4) off-peak transit services; and (5) the

352 establishment of urban center loop shuttles. The commissioner shall  
353 notify members of the joint standing committees of the General  
354 Assembly having cognizance of matters relating to transportation and  
355 finance, revenue and bonding, on or before January first, annually, of  
356 the availability of the commissioner's comments and analysis of  
357 priorities. A written copy or electronic storage media of such  
358 comments and analysis shall be distributed to members of such  
359 committee who request them. The commissioner shall meet with the  
360 commission at least once during each calendar quarter.

361 (f) The commission may, upon its own motion, undertake any  
362 studies it deems necessary for the improvement of a balanced public  
363 transportation system within the state, including the improvement of  
364 such system for elderly and disabled users. The commission shall have  
365 other powers and shall perform such other duties as the commissioner,  
366 the Governor and the General Assembly may delegate to it.

367 (g) Subject to the provisions of chapter 67, and when authorized to  
368 do so by the commissioner, the Governor or the General Assembly, the  
369 commission may appoint such officers, agents and employees and may  
370 retain and employ other consultants or assistants on a contract or other  
371 basis for rendering legal, financial, technical or other assistance or  
372 advice as may be required to carry out duties or responsibilities. The  
373 staff of the department shall be available to assist the commission.

374 (h) The members of the commission shall receive no compensation  
375 for their services as members but shall be reimbursed for the expenses  
376 actually and necessarily incurred by them in the performance of their  
377 duties. No member of the commission who is otherwise a public officer  
378 or employee shall suffer a forfeiture of his office or employment, or  
379 any loss or diminution in the rights and privileges pertaining thereto,  
380 by reason of such membership.

381 (i) A quorum of the commission for the purpose of transacting  
382 business shall exist only when there is present, in person, a majority of  
383 its voting membership. The affirmative vote of a majority of the

384 quorum shall be required for the adoption of a resolution or vote of the  
385 commission.

386 (j) The members of the commission shall elect one of the members as  
387 chairperson with the responsibility to act as presiding officer at  
388 meetings of the commission. Regular meetings shall be held at least  
389 once in each calendar month and as often as deemed necessary by a  
390 majority of members. Any member absent from (1) three consecutive  
391 meetings of the commission, or (2) fifty per cent of such meetings  
392 during any calendar year shall be deemed to have resigned from the  
393 commission, effective on the date that the chairperson notifies the  
394 official who appointed such member.

395 (k) The commission shall have access through the Department of  
396 Public Transportation, Aviation and Ports to all records, reports, plans,  
397 schedules, operating rules and other documents prepared by rail and  
398 bus companies operating under contract with the state of Connecticut  
399 which pertain to the operations of such companies and to any  
400 documents that the commission may require from the department to  
401 carry out its responsibilities under this section and sections 13b-16,  
402 13b-17 and 16-343, provided this subsection shall not apply to any  
403 plans, proposals, reports and other documents pertaining to current or  
404 pending negotiations with employee bargaining units.

405 Sec. 11. Section 13b-11b of the general statutes is repealed and the  
406 following is substituted in lieu thereof (*Effective January 1, 2010*):

407 [(a)] It shall be the state-wide goal: (1) To increase passenger vehicle  
408 occupancy levels and the use of public transportation, (2) to increase  
409 average occupancy levels to one and two-tenths persons per car by the  
410 year 2000 and (3) to increase the use of public transportation and ride  
411 sharing so that at least ten per cent of all trips between home and  
412 places of employment occur in vehicles occupied by more than one  
413 person by the year 2000.

414 [(b) The Connecticut Public Transportation Commission shall

415 monitor progress toward achieving the goals established in subsection  
416 (a) of this section and, on or before January 10, 1991, and annually  
417 thereafter, shall report its findings and recommendations to the joint  
418 standing committees of the General Assembly having cognizance of  
419 matters relating to transportation and the environment.

420 (c) On or before January 1, 1991, the Department of Transportation  
421 shall report to the General Assembly on a strategy necessary to  
422 increase passenger vehicle occupancy levels to one and one-quarter  
423 persons per car by the year 2010.]

424 Sec. 12. Section 13b-15 of the general statutes is repealed and the  
425 following is substituted in lieu thereof (*Effective January 1, 2010*):

426 (a) The [commissioner] Commissioner of Public Transportation,  
427 Aviation and Ports and the Commissioner of Highways shall jointly  
428 develop and revise biennially a comprehensive, long-range, master  
429 transportation plan designed to fulfill the present and future needs of  
430 the state and to assure the development and maintenance of an  
431 adequate, safe and efficient transportation system. In developing the  
432 plan, the commissioner shall investigate and study all existing  
433 transportation facilities and services in the state and shall examine the  
434 feasibility of planning a long-term commercial transportation system,  
435 with the goal of coordinating all transportation services, including  
436 airports, seaports, rail, freight and transit systems. The commissioner  
437 shall give particular consideration to reports and studies prepared  
438 under the auspices of the Connecticut interregional planning program  
439 relating to the planning and development of the state and any existing  
440 reports, surveys, plans or studies relating to transportation prepared  
441 for or by any agency of the state.

442 (b) In such plan the [commissioner] commissioners shall: (1) Set  
443 forth [the commissioner's] their recommendations for planning,  
444 engineering, acquisition of rights-of-way, construction and  
445 reconstruction and rehabilitation and modernization of transportation  
446 facilities; (2) consider, among other things, federal air quality

447 standards, conservation and cost of energy supplies, present and  
448 projected travel volumes, reduction in travel volumes due to the  
449 implementation of transportation management programs, safety,  
450 maintenance costs and other sufficiency factors where appropriate, as  
451 well as long-range land use, environmental impact, energy impact and  
452 economic development patterns of the state; (3) indicate the order of  
453 priority of need for improvements within each mode of transportation,  
454 according to [the commissioner's] their judgment; and (4) indicate the  
455 priorities for the next two and five-year periods, both by need and by  
456 fiscal capability, in the area of public transportation. The indication of  
457 such priorities for public transportation shall include an individual  
458 accounting of the amount and source of all funding for each potential  
459 program and an approximate timetable, including the starting and  
460 completion dates for each potential program.

461 (c) The [commissioner] commissioners shall, relative to the  
462 Transportation Equity Act for the 21st Century: (1) Identify the funds  
463 to be received annually in the following categories: Interstate  
464 construction, interstate maintenance, national highway system, bridge,  
465 surface transportation program, interstate transfer, congestion  
466 mitigation and air quality, metropolitan planning, special projects and  
467 any other category designation under the act; (2) identify the projects  
468 to be funded annually through each funding category; (3) identify the  
469 projects to be funded annually through each category, as a result of the  
470 change in formulas and new flexibility allowed under the  
471 Transportation Equity Act for the 21st Century; (4) identify which  
472 projects will require the expenditure of state funds to leverage federal  
473 funds; (5) identify the amount and percentage of state funds that must  
474 be expended for each project in order to leverage federal funds; (6)  
475 identify the amount of federal funds that may be expended annually to  
476 repair local bridges identified as being in poor condition; (7) identify  
477 the economic impact of the federal funds allocated to the state in terms  
478 of job creation or retention; (8) identify the mass transit projects to be  
479 funded; (9) identify the manner in which the department ? intends to  
480 comply with the requirements of the Clean Air Act, as amended by



481 P.L. 101-549, and how the department intends to expend any funds  
482 allocated to the department to achieve the goals of the act; and (10)  
483 identify with specificity the expenditures to be made from funds  
484 received in the congestion mitigation and air quality grant in relation  
485 to the needs identified by employers in their compliance plans  
486 submitted pursuant to substitute house bill 5659 of the February, 1992,  
487 regular session\*.

488 (d) In such plan the [commissioner] commissioners shall identify the  
489 amount of funds and projects to be undertaken pursuant to the  
490 Americans with Disabilities Act of 1990.

491 (e) The plan shall be completed and submitted biennially to the  
492 Governor on or before January thirty-first of each odd-numbered year.  
493 The [commissioner] commissioners shall, biennially, on or before  
494 January thirty-first of each odd-numbered year, notify all members of  
495 the General Assembly of the availability of the plan. The  
496 [commissioner] commissioners shall send a written copy or electronic  
497 storage media of the plan to any member requesting the plan.

498 (f) In developing and revising the plan, the [commissioner]  
499 commissioners may: (1) Conduct public hearings; (2) consult and  
500 cooperate with officials and representatives of the federal government,  
501 neighboring states, interstate commissions and authorities, local  
502 agencies and authorities, interested corporations and other  
503 organizations concerning problems affecting transportation in the  
504 state; (3) request and receive from any agency or other unit of the  
505 government of the state or of any political subdivision of the state, or  
506 from any public authority, such assistance and data as may be  
507 necessary to enable the [commissioner] commissioners to carry out [the  
508 commissioner's] their responsibilities under this section; (4) to the  
509 extent the [commissioner] commissioners may deem appropriate,  
510 make use of, and incorporate in the plan, any existing long-range  
511 transportation plan, survey or report developed by any public or  
512 private agency or person; and (5) employ consultants.

513 (g) Copies of the plan, as revised, shall be kept on file as a public  
514 record in the office of the [commissioner] commissioners.

515 Sec. 13. Section 13b-15a of the general statutes is repealed and the  
516 following is substituted in lieu thereof (*Effective January 1, 2010*):

517 The Commissioner of Public Transportation, Aviation and Ports  
518 may designate the Hartford-New Britain busway project to be  
519 accomplished on a total cost basis. If the commissioner designates the  
520 Hartford-New Britain busway project as a total cost basis project, the  
521 commissioner may enter into a single contract with a private  
522 developer, which includes such project elements as engineering design  
523 and construction. The contract for said project shall be based on  
524 competitive proposals received by the commissioner, who shall give  
525 notice of the project and specifications for the project, by advertising,  
526 at least once, in a newspaper having a substantial circulation in the  
527 Hartford-New Britain area. Award of the total cost contract shall be  
528 based on qualifications, technical merit of the proposals and cost. The  
529 commissioner shall determine all criteria, requirements and conditions  
530 for such proposals and award and shall have sole responsibility for all  
531 other aspects of the contract. If applicable, the contract shall state  
532 clearly the responsibilities of the developer to deliver a completed and  
533 acceptable project on a date certain and the maximum cost of the  
534 project.

535 Sec. 14. Section 13b-16c of the general statutes is repealed and the  
536 following is substituted in lieu thereof (*Effective January 1, 2010*):

537 (a) The Commissioner of Public Transportation, Aviation and Ports,  
538 or his designee, may sit as a member of the board of a consortium or  
539 trade organization organized as a nonstock, nonprofit corporation  
540 pursuant to chapter 602 or any similar law of another state, for the  
541 purpose of coordinating public or private sector transportation  
542 systems to provide: (1) The highest possible quality of transportation  
543 services at the lowest practicable cost to all persons needing such  
544 services; (2) the most advanced coordinated programs possible in

545 transportation services; (3) the coordination of transportation services  
546 to eliminate duplication and incomplete coverage in the provision of  
547 such services; (4) the greatest possible state-wide, regional or national  
548 integration of transportation service programs; and (5) the education of  
549 the public of the transportation needs of the state and the goals of the  
550 consortium or trade organization which address such transportation  
551 needs.

552 (b) The commissioner, or his designee, may enter into such contracts  
553 and other agreements to further the purposes of each consortium or  
554 trade organization organized in accordance with subsection (a) of this  
555 section, and as contained in each consortium's or trade organization's  
556 certificate of incorporation, provided nothing contained in the  
557 certificate of incorporation of each such consortium or trade  
558 organization shall obligate the commissioner, or his designee, sitting as  
559 a member of the board of the consortium or trade organization, to  
560 undertake, or participate in, any activity which the commissioner, or  
561 his designee, acting in his sole discretion, determines to be in violation  
562 of the general statutes.

563 Sec. 15. Section 13b-20b of the general statutes is repealed and the  
564 following is substituted in lieu thereof (*Effective January 1, 2010*):

565 As used in sections 13b-20b to 13b-20k, inclusive:

566 (a) "Commissioner" means the Commissioner of Public  
567 Transportation, Aviation and Ports or the Commissioner of Highways,  
568 as the case may be;

569 (b) "Consultant" means any architect, professional engineer,  
570 landscape architect, land surveyor or accountant who is registered or  
571 licensed to practice his profession in accordance with the applicable  
572 provisions of the general statutes, any planner or any environmental,  
573 management or financial specialist;

574 (c) "Consultant services" includes those professional services

575 rendered by architects, professional engineers, landscape architects,  
576 land surveyors, accountants, planners or environmental, management  
577 or financial specialists, as well as incidental services that members of  
578 such professions and those in their employ are authorized to perform;

579 (d) "Firm" means any individual, partnership, corporation, joint  
580 venture, association or other legal entity authorized by law to practice  
581 the profession of architecture, landscape architecture, engineering,  
582 land surveying, accounting, planning or environmental, management  
583 or financial specialization;

584 (e) "Selection panel" means the evaluation and selection panel  
585 established under section 13b-20c; and

586 (f) "Negotiation committee" means the committee established under  
587 section 13b-20d.

588 Sec. 16. Section 13b-20c of the general statutes is repealed and the  
589 following is substituted in lieu thereof (*Effective January 1, 2010*):

590 There [is] are established within the Department of Highways and  
591 within the Department of Public Transportation, Aviation and Ports  
592 one or more consultant services evaluation and selection panels which  
593 shall consist of the following persons from within the department: (1)  
594 Three individuals appointed by the commissioner ; (2) one individual  
595 appointed by the bureau head of the bureau for which the specific  
596 project is being performed, subject to the approval of the  
597 commissioner; and (3) one individual appointed by the bureau head of  
598 any other bureau if such other bureau is requesting the specific  
599 consultant services and if such bureau will be responsible for the  
600 administration of the consultant contract, subject to the approval of the  
601 commissioner.

602 Sec. 17. Section 13b-20d of the general statutes is repealed and the  
603 following is substituted in lieu thereof (*Effective January 1, 2010*):

604 There shall be within the Department of Highways and within the

605 Department of Public Transportation, Aviation and Ports one or more  
606 negotiation committees each of which shall consist of three  
607 individuals, appointed by the commissioner from within the  
608 department, none of whom shall be members of a selection panel.

609 Sec. 18. Section 13b-20g of the general statutes is repealed and the  
610 following is substituted in lieu thereof (*Effective January 1, 2010*):

611 Whenever there is a need to engage a consultant, the commissioner  
612 shall publish a notice in appropriate professional magazines,  
613 professional newsletters and newspapers indicating the general scope  
614 of the assignment and requesting responses in accordance with  
615 subsection (b) of section 13b-20e, and at least once in one or more  
616 newspapers having a circulation in each county of the state. Responses  
617 shall be received at the [Department of Transportation] department not  
618 later than fourteen days after the last date on which the notice is  
619 published, unless additional time is specifically authorized by the  
620 commissioner, or not later than any specific date set forth in such  
621 notice. For certain specialized projects the notice may also solicit a full  
622 work proposal in addition to the technical qualifications of a firm.

623 Sec. 19. Section 13b-20i of the general statutes is repealed and the  
624 following is substituted in lieu thereof (*Effective January 1, 2010*):

625 In making the initial review of responses and in all other steps of the  
626 selection process, the commissioner and the selection panel shall be  
627 guided by the following objective criteria:

628 (1) Specialized design and technical competence of the consultant  
629 firm regarding the types of service required;

630 (2) Capacity and capability of the firm to perform the work,  
631 including any specialized services, within the time limitations;

632 (3) Past record of performance on contracts with the state and other  
633 clients with respect to such factors as control of costs, quality of work,  
634 conformance with program and cooperation with client;

635 (4) The volume of work performed by the firm within the previous  
636 three years for the Department of Public Transportation, Aviation and  
637 Ports and the Department of Highways and the volume of work to be  
638 completed by such firm, if any, with the objective of effecting an  
639 equitable distribution of contracts among qualified firms and of  
640 assuring that the interest of the public in having available a substantial  
641 number of qualified firms is protected, provided, the principle of  
642 selection of the most highly qualified firms is not violated; and

643 (5) Where a full work proposal process is utilized, the degree to  
644 which the consultant's proposal satisfies the requirements of the  
645 department.

646 Sec. 20. Section 13b-20m of the general statutes is repealed and the  
647 following is substituted in lieu thereof (*Effective January 1, 2010*):

648 In order to promote engineering and design quality and ensure  
649 maximum competition by firms providing consultant services, as  
650 defined in section 13b-20b, the Secretary of the Office of Policy and  
651 Management, in consultation with the Commissioner of Highways and  
652 the Commissioner of Public Transportation, Aviation and Ports, shall  
653 establish guidelines for determining the reasonableness and  
654 allowability of various cost factors which shall include, but not be  
655 limited to, salary limits, benefits and expense reimbursement.

656 Sec. 21. Section 13b-20n of the general statutes is repealed and the  
657 following is substituted in lieu thereof (*Effective January 1, 2010*):

658 With respect to any contract for the construction, reconstruction,  
659 alteration, remodeling, repair or demolition of any public building  
660 under the supervision and control of the Commissioner of  
661 [Transportation] Highways or the Commissioner of Public  
662 Transportation, Aviation and Ports which contract is estimated to cost  
663 more than five hundred thousand dollars and is not subject to section  
664 4b-51 of the 2008 supplement to the general statutes, the  
665 [Commissioner of Transportation] commissioner shall award the

666 contract to the lowest responsible and qualified bidder, as defined in  
667 section 4b-92 of the 2008 supplement to the general statutes, in  
668 accordance with regulations which the commissioner shall adopt, in  
669 accordance with chapter 54. Such regulations shall establish, at a  
670 minimum: (1) Standards for the advertisement of opportunities to bid,  
671 (2) objective criteria for evaluating the qualifications of bidders, (3) the  
672 procedures for evaluating bids after the prequalification status of a  
673 bidder has been verified, and (4) award panels for the purpose of  
674 screening submitted proposals, interviewing bidders and making  
675 recommendations to the commissioner. Any contract that is subject to  
676 section 4b-51 of the 2008 supplement to the general statutes shall be  
677 awarded by the Commissioner of Public Works in accordance with  
678 chapter 60.

679 Sec. 22. Section 13b-34a of the general statutes is repealed and the  
680 following is substituted in lieu thereof (*Effective January 1, 2010*):

681 The Commissioner of Public Transportation, Aviation and Ports  
682 shall make grants under the bus subsidy program to privately owned  
683 bus companies, to subsidize the operating expenses of such companies,  
684 to the extent necessary to enable such companies to charge the same  
685 basic adult first zone fares as are charged in the cities of Hartford, New  
686 Haven and Stamford. Such privately owned bus companies as a  
687 condition precedent to the receipt of any subsidy, shall maintain  
688 records which will provide statistics to substantiate billings and shall  
689 permit state and federal auditors to make audits of the books of the  
690 company. Such audits shall be conducted in accordance with  
691 appropriate state and federal regulations as they pertain to the  
692 operation of bus companies to insure ability to obtain federal funds.

693 Sec. 23. Section 13b-36 of the general statutes is repealed and the  
694 following is substituted in lieu thereof (*Effective January 1, 2010*):

695 (a) The commissioner may purchase or take and, in the name of the  
696 state, may acquire title in fee simple to, or any lesser estate, interest or  
697 right in, any land, buildings, equipment or facilities which the

698 commissioner finds necessary for the operation or improvement of  
699 transportation services. The determination by the commissioner that  
700 such purchase or taking is necessary shall be conclusive. Such taking  
701 shall be in the manner prescribed in subsection (b) of section 13a-73 for  
702 the taking of land for state highways.

703 (b) The commissioner may sell, lease, convey or enter into any other  
704 arrangement for the use of such property for the operation of  
705 transportation services, or for such other purposes as the  
706 commissioner determines to be consistent with the best interests of the  
707 state.

708 (c) Any company or corporation which conducts or has conducted  
709 rail operations in the state shall not, except as provided for in this  
710 subsection, sell, lease, transfer or otherwise dispose of any railroad  
711 properties and related facilities within the state that are abandoned,  
712 inactive or currently being used for railroad purposes to any party,  
713 without first offering such properties and facilities for sale to the  
714 Commissioner of Public Transportation, Aviation and Ports. This  
715 provision shall not apply to any rail related facility that is to be  
716 replaced as a result of a rehabilitation program or emergency or  
717 routine maintenance programs. Such offer shall be made in writing  
718 and shall be sent by certified mail to the [Commissioner of  
719 Transportation] commissioner. Such offer shall include a map and  
720 description of the subject properties or facilities, the price, if available,  
721 for such properties or facilities, a description of the present or past  
722 railroad use of the subject property or facilities, and any other terms or  
723 conditions said company or corporation proposes to include as part of  
724 such sale. The commissioner, upon receipt of such offer, shall within  
725 forty-five days notify said company or corporation, in writing by  
726 certified mail, whether he is interested in acquiring the subject  
727 properties or facilities. Within one hundred thirty-five days of such  
728 written notice, the commissioner shall notify said company or  
729 corporation in writing by certified mail either that he has made an  
730 express finding in accordance with section 13b-35 and shall acquire



731 such properties or facilities or that he shall not accept such offer and  
 732 shall not acquire such properties or facilities. In no event shall said  
 733 company or corporation offer to sell any railroad properties or related  
 734 facilities which were the subject of negotiations between the  
 735 commissioner and said company or corporation to any other party on  
 736 terms more favorable to said party than the final terms offered to the  
 737 commissioner during negotiations. Nothing in this section shall be  
 738 construed to prevent a railroad company from transferring rail  
 739 facilities within its own system or from selling, leasing or transferring  
 740 or otherwise disposing of railroad properties or related facilities  
 741 currently in use to another party provided that in no event shall the  
 742 sale, lease, transfer or other disposition of such properties or facilities  
 743 result in the discontinuance of existing rail service in the state. For the  
 744 purposes of this section, the terms railroad properties and related  
 745 facilities shall mean all the land, structures, buildings, rails, ties,  
 746 ballast, signals and materials that have been or are used for rail  
 747 transportation purposes and that are located either within the right-of-  
 748 way as defined by railroad valuation maps or other suitable maps or  
 749 abutting such right-of-way.

750 Sec. 24. Section 13b-38a of the general statutes is repealed and the  
 751 following is substituted in lieu thereof (*Effective January 1, 2010*):

752 (a) The Department of Public Transportation, Aviation and Ports  
 753 shall assist all employers in the state who employ or provide parking  
 754 facilities for one hundred or more employees in one location, in  
 755 establishing a commuter, trip-to-work program. The Department of  
 756 Public Transportation, Aviation and Ports, working in coordination  
 757 with the Office of Policy and Management, the Department of  
 758 Highways, the Department of Environmental Protection and the  
 759 Department of Economic and Community Development, shall provide  
 760 to such employers information for commuting to work, which  
 761 information shall include, but not be limited to, the following: (1)  
 762 Schedules and types of available modes of public transportation in the  
 763 employer's region; (2) maps and listings of state commuter parking lot

764 locations; (3) estimates of cost savings to individual employees where  
765 determinable; (4) sources of available federal and state funds,  
766 including subsidies, to aid in the implementation of employee  
767 commuter, trip-to-work programs; (5) available tax incentives to  
768 employers for participation in such program; (6) lists of state, regional  
769 and local officials operating transit districts, who may assist the  
770 employer in such a program; and (7) literature, posters, pamphlets and  
771 cost savings charts. All employers in the state who employ or provide  
772 parking facilities to one hundred or more employees in one location,  
773 who wish to participate in a commuter, trip-to-work program, shall  
774 submit to the Department of Public Transportation, Aviation and  
775 Ports, on forms provided by the commissioner, the work schedules,  
776 residence addresses and usual mode of transportation of their  
777 employees. Following an employer's request for a commuter, trip-to-  
778 work program, the department, in conjunction with any other state  
779 agency having jurisdiction, shall render necessary assistance in the  
780 implementation of the program. Based upon information received  
781 from the employer and in the order received, the [Department of  
782 Transportation] department shall furnish to such employers a  
783 proposed commuter, trip-to-work program for their employees. Said  
784 program shall include at no cost to the employer: (A) A computer  
785 matching of employees for potential carpool, vanpool and buspool  
786 services; (B) technical assistance to the employer in implementing  
787 carpools, vanpools and buspools and utilizing existing transit systems  
788 at the employer's work location.

789 (b) If any funds are made available to the Department of Public  
790 Transportation, Aviation and Ports for transportation management  
791 plans, the commissioner may make a grant to any municipality, transit  
792 district or regional ride-sharing entity for the purpose of developing or  
793 administering any plan which complies with the objectives and  
794 requirements of subsections (c) and (d) of this section.

795 (c) Any traffic management plan shall be created in conjunction  
796 with business firms and community and commuter groups and each

797 plan shall be designed to alleviate traffic congestion by encouraging  
798 the use of mass transportation and promoting the establishment of  
799 programs as described in subsection (d) of this section. Any  
800 municipality, transit district or regional ride-sharing entity which is  
801 developing or creating a traffic management plan, either individually  
802 or in conjunction with other such entities may submit an application  
803 for a grant in accordance with the provisions of this section. The  
804 amount of such grant to any participating entity for any year may not  
805 exceed seventy per cent of the total amount expended by any such  
806 entity with respect to such year for the purposes of developing and  
807 administering such plan. Any application for a grant under the  
808 provisions of this section shall include, but not be limited to, the  
809 following: (1) The population of the municipality or the population of  
810 the regions covered by the transit district or regional ride-sharing  
811 entity; (2) a description of all aspects of the manner in which the  
812 proposed plan will alleviate traffic congestion; (3) the name of and  
813 manner in which each business firm is participating in the plan; (4) the  
814 name of and manner in which each community group and commuter  
815 group is participating in the plan; (5) the total proposed expenditures  
816 for the development and administration of the plan in the year in  
817 which such application is submitted and a certification that not less  
818 than thirty per cent of the plan's funding will be provided by the  
819 grantee. Grants made for the purposes of this section shall not be  
820 expended for any other purpose.

821 (d) Any traffic management plan established in a municipality,  
822 transit district or regional ride-sharing entity shall be designed to  
823 encourage implementation of the following programs, to the extent  
824 that such program is a part of any such plan: (1) A ride-sharing  
825 incentive program, in which a business firm encourages employees  
826 through fiscal or other incentives to make their commute to work by  
827 any means other than a single occupant vehicle, including rail, bus or  
828 van sharing; (2) a vanpool or company shuttle program, in which a  
829 business firm purchases or assists in the purchase of a vanpool to be  
830 used by employees for ride-sharing or provides a company shuttle van

831 for its employees; (3) preferential parking programs for ride-sharing  
832 employees; (4) employee transportation coordinating programs, in  
833 which an employer designates an employee as an employee  
834 transportation coordinator who shall assist in ride-sharing matching,  
835 publicizing and promoting alternate means of commuting, analyzing  
836 and advocating for company-provided commutation incentives or  
837 managing, implementing and monitoring existing company  
838 commutation incentives; (5) commuter allowance programs, in which  
839 an employer provides an employee with a commuter allowance based  
840 on the amount an employer expends to provide such employee with  
841 free parking; (6) flexible work hours for employees, allowing  
842 employees to work flexible hours to alleviate rush hour traffic  
843 congestion; and (7) satellite parking, in which a business firm provides  
844 shuttle bus service from commuter parking lots outside urban areas.

845 (e) The Department of Public Transportation, Aviation and Ports  
846 shall adopt regulations, in accordance with chapter 54, to carry out the  
847 purposes of this section, which regulations shall include, but not be  
848 limited to, establishing criteria for awarding grants pursuant to  
849 subsection (b) of this section and procedures to notify municipalities,  
850 transit districts or regional ride-sharing entities of the availability of  
851 funds.

852 (f) There is established a task force to develop transportation  
853 management plans to ensure compliance with the Clean Air Act  
854 amendments of 1990, P.L. 101-549. The purpose of the task force shall  
855 be to develop various programs to be implemented by employers who  
856 employ one hundred or more employees to reduce traffic congestion  
857 and improve traffic flow and air quality throughout the state. The task  
858 force shall consider: (1) Programs to be included in any transportation  
859 management plan, which programs shall include, but not be limited to,  
860 the programs specified in subsection (d) of this section; (2) timetables  
861 for the implementation of the plans; (3) financial incentives for  
862 implementation of the plans or penalties for employers who fail to  
863 comply with the implementation of the plans; (4) methods to ensure

864 effective participation of employers throughout the state in the  
865 development and implementation of the plans; (5) the identification  
866 and creation of funding mechanisms to implement the plans; (6)  
867 guidelines for monitoring the implementation of the plans and any  
868 needed revisions to the plans; (7) the appropriate role of  
869 municipalities, transit districts and regional ride-sharing entities in the  
870 development and the implementation of the plans; and (8)  
871 identification of any state laws or regulations which may impede the  
872 implementation of the plans. The task force shall be comprised of the  
873 chairpersons and ranking members of the joint standing committees on  
874 transportation and environment, the Commissioners of Public  
875 Transportation, Aviation and Ports, Environmental Protection and  
876 Administrative Services, or their designees, and the following  
877 appointees: The Governor shall appoint one representative from an  
878 employer who employs at least one hundred employees, one  
879 representative from a municipality, one representative from a transit  
880 district or regional ride-sharing entity and one public member; the  
881 president pro tempore of the Senate shall appoint a representative  
882 from an employer who employs at least one hundred employees in an  
883 urban area of the state; the majority leader of the Senate shall appoint a  
884 representative from an employer who employs at least one hundred  
885 employees in a rural or suburban part of the state; the minority leader  
886 of the Senate shall appoint a representative from an employer who  
887 employs at least one hundred employees in an urban part of the state;  
888 the speaker of the House of Representatives shall appoint a  
889 representative from an employer who employs at least one hundred  
890 employees in a suburban or rural part of the state; the majority leader  
891 of the House of Representatives shall appoint a representative from a  
892 group representing business and industry and the minority leader of  
893 the House of Representatives shall appoint a representative from a  
894 municipality or regional planning agency. The Governor's appointee  
895 representing an employer who employs at least one hundred  
896 employees shall organize and chair the task force. The Department of  
897 Public Transportation, Aviation and Ports shall provide any necessary

898 support staff or services for the task force. The task force shall submit  
899 its initial findings and recommendations to the joint standing  
900 committee on transportation on or before February 1, 1992, and  
901 annually thereafter on January first until such time as the task force  
902 determines that there is no longer a need for continued reporting.

903 Sec. 25. Section 13b-38b of the general statutes is repealed and the  
904 following is substituted in lieu thereof (*Effective January 1, 2010*):

905 (a) No ride-sharing organization shall be eligible to receive funds  
906 from the state unless such organization has developed a program,  
907 approved by the Department of Public Transportation, Aviation and  
908 Ports, for the transport of handicapped persons between their homes  
909 and their places of employment. Such program shall be reviewed and  
910 approved or disapproved by the [Department of Transportation]  
911 department annually.

912 (b) The Commissioner of Public Transportation, Aviation and Ports  
913 shall adopt regulations, in accordance with the provisions of chapter  
914 54, establishing requirements and standards for programs required  
915 pursuant to subsection (a) of this section. Any regulations adopted by  
916 the Commissioner of Transportation prior to January 1, 2010, shall be  
917 deemed to be, on and after said date, regulations of the Department of  
918 Public Transportation, Aviation and Ports.

919 Sec. 26. Section 13b-38c of the 2008 supplement to the general  
920 statutes is repealed and the following is substituted in lieu thereof  
921 (*Effective January 1, 2010*):

922 The Commissioner of Public Transportation, Aviation and Ports is  
923 authorized to loan funds for the purpose of financing the acquisition of  
924 vanpool vehicles, as defined in subdivision (94) of section 14-1 of the  
925 2008 supplement to the general statutes, to any person, firm or  
926 organization.

927 Sec. 27. Section 13b-38g of the general statutes is repealed and the

928 following is substituted in lieu thereof (*Effective January 1, 2010*):

929 Subject to available appropriations, the Commissioner of Public  
930 Transportation, Aviation and Ports shall expand mass transportation  
931 systems, such as rail and bus services, in locations where the  
932 commissioner deems appropriate.

933 Sec. 28. Section 13b-38k of the general statutes is repealed and the  
934 following is substituted in lieu thereof (*Effective January 1, 2010*):

935 (a) For the purposes of this section: "Paratransit vehicle" means  
936 motor bus, taxicab or motor vehicle in livery service operated under a  
937 certificate of convenience and necessity issued by the Department of  
938 Public Transportation, Aviation and Ports or by a transit district and  
939 which is on call or demand or used for the transportation of  
940 passengers for hire.

941 (b) Any program funded by a state, federal or municipal agency for  
942 the purpose of providing paratransit services through a state agency,  
943 municipality, planning agency or transit district shall provide for the  
944 maximum feasible participation of private, for-profit operators of  
945 paratransit vehicles by affording such operators a full and reasonable  
946 opportunity to enter a competitive bid on all contracts for the  
947 provision of any paratransit services.

948 (c) Any private, for-profit operator of paratransit vehicles who is  
949 required to satisfy a bonding requirement as a prerequisite to  
950 submitting a competitive bid on any contract offered by a state agency,  
951 municipality, planning agency or transit district for the provision of  
952 paratransit services may, in lieu of such bond, offer a promissory note  
953 secured by a mortgage, pledge or other form of security on any or all  
954 of its real or personal property or an interest therein, in an amount and  
955 subject to such terms and conditions as may be approved by such state  
956 agency, municipality, planning agency or transit district.

957 Sec. 29. Section 13b-38p of the general statutes is repealed and the

958 following is substituted in lieu thereof (*Effective January 1, 2010*):

959       There is hereby established a voluntary traffic reduction program in  
960 order to achieve the goals of the Clean Air Act. Any affected employer  
961 which elects to participate in such program shall submit a plan and an  
962 annual update to the Commissioner Public of Transportation, Aviation  
963 and Ports. Such plan shall describe the measures to be implemented to  
964 reduce single occupancy vehicle trips to and from the work location of  
965 such employer and to relieve traffic congestion. Any such affected  
966 employer which elects to participate in the program shall be eligible  
967 for a tax credit pursuant to the provisions of section 12-217s and  
968 assistance pursuant to section 13b-38v, provided such plan has been  
969 approved by the commissioner.

970       Sec. 30. Section 13b-38t of the general statutes is repealed and the  
971 following is substituted in lieu thereof (*Effective January 1, 2010*):

972       The Labor Commissioner shall, upon request of the Commissioner  
973 of Public Transportation, Aviation and Ports, supply such  
974 information as is necessary to assist the Department of Public  
975 Transportation, Aviation and Ports in carrying out its responsibilities  
976 under section 13b-38p and the Clean Air Act.

977       Sec. 31. Section 13b-38x of the general statutes is repealed and the  
978 following is substituted in lieu thereof (*Effective January 1, 2010*):

979       The Commissioner of Public Transportation, Aviation and Ports, in  
980 consultation with the Commissioner of Environmental Protection, shall  
981 adopt regulations in accordance with the provisions of chapter 54 to  
982 implement the provisions of section 13b-38p. Such regulations shall  
983 include, but not be limited to (1) measures an affected employer may  
984 take to reduce single occupancy vehicle trips to and from its work  
985 location and to encourage its employees to consider alternative means  
986 of commuting and (2) guidelines for the preparation and submission of  
987 reports pertaining to the traffic reduction program of such employer.



988       Sec. 32. Section 13b-38bb of the general statutes is repealed and the  
989       following is substituted in lieu thereof (*Effective January 1, 2010*):

990       (a) The Commissioner of Public Transportation, Aviation and Ports  
991       shall establish a state matching grant program, in accordance with the  
992       provisions of this section, which shall be available to any municipality  
993       upon application of such municipality. Such grants shall be expended  
994       by such municipalities for elderly and disabled demand responsive  
995       transportation programs that shall be available to persons age sixty or  
996       older.

997       (b) Not later than thirty days after the commissioner determines an  
998       allocation amount, the commissioner shall notify municipalities of the  
999       availability of such amount.

1000       (c) Municipalities shall apply to the state through a designated  
1001       regional planning organization or transit district for funding  
1002       allocations. The regional planning organization or transit district and  
1003       municipalities interested in applying for the funds shall collaborate on  
1004       service design to determine how to use the funding most effectively in  
1005       that municipality and its surrounding region. The commissioner shall  
1006       have the authority to approve or disapprove the method for delivery  
1007       of service.

1008       (d) The maximum amount allocated to a municipality shall be  
1009       determined by the commissioner in accordance with the following  
1010       formula: Fifty per cent of such funds shall be apportioned on the basis  
1011       of the share of the population of persons age sixty or older in the  
1012       municipality relative to the state's total population of persons age sixty  
1013       or older, as defined in the most recent federal decennial census or in  
1014       estimates provided in the five-year interim by the Office of Policy and  
1015       Management. Fifty per cent of such funds shall be apportioned on the  
1016       basis of a municipality's square mileage relative to the state's total  
1017       square mileage.

1018       (e) Each municipality applying for such grant funds shall provide a

1019 fifty per cent match to such funds. If a municipality chooses not to  
1020 apply for such funds, its portion shall revert to the Special  
1021 Transportation Fund.

1022 (f) A municipality, receiving a grant provided pursuant to this  
1023 section, shall annually submit to the Commissioner of Public  
1024 Transportation, Aviation and Ports, on forms provided by said  
1025 commissioner, the following data on such transportation programs: (1)  
1026 The number of unduplicated riders; (2) the number of one-way trips;  
1027 (3) the number of miles traveled; (4) the number of trip denials; (5) the  
1028 number of hours vehicles are in use annually; (6) all federal, state,  
1029 municipal and other revenues received and expenditures incurred in  
1030 the provision of dial-a-ride services; and (7) any other information  
1031 determined to be necessary by the commissioner.

1032 (g) A municipality receiving a grant pursuant to this section shall  
1033 annually submit to the Commissioner of Public Transportation,  
1034 Aviation and Ports a certification that any state grant shall be in  
1035 addition to current municipality levels of spending on such programs.

1036 (h) Any funds shall only be expended for grants and administrative  
1037 costs and shall not be expended for any other purpose.

1038 Sec. 33. Section 13b-39a of the general statutes is repealed and the  
1039 following is substituted in lieu thereof (*Effective January 1, 2010*):

1040 (a) The Commissioner of Public Transportation, Aviation and Ports  
1041 shall establish a program of registration for all aircraft in the state, in  
1042 accordance with which the owner of any aircraft, as defined in  
1043 subdivision (5) of section 15-34 of the 2008 supplement to the general  
1044 statutes, which is based or primarily used at any airport facility,  
1045 heliport, air navigation facility, restricted landing area or seaplane base  
1046 in a municipality within this state shall, not later than October 1, 1993,  
1047 and annually thereafter, be required to register with the municipality  
1048 in which such aircraft is based or primarily used, by filing an  
1049 application form, or renewal thereof, and paying the appropriate

1050 registration fee, as provided for in section 12-71, this section and  
1051 section 13b-39b. The owner of any aircraft which is based or primarily  
1052 used at any such air navigation facility or restricted landing area in this  
1053 state shall register such aircraft not later than July 1, 1994, and  
1054 annually thereafter not later than the first of October. Any aircraft shall  
1055 be deemed to be based or primarily used in a municipality when in the  
1056 normal course of its use, it leaves from and returns to or remains at one  
1057 or more points within the municipality more often or longer than at  
1058 any other single location outside of the municipality.

1059 (b) The Commissioner of Public Transportation, Aviation and Ports,  
1060 subject to the provisions of chapter 54, shall adopt such regulations as  
1061 deemed necessary by said commissioner to implement the provisions  
1062 of section 12-71, this section and sections 13b-39b to 13b-39h, inclusive.

1063 Sec. 34. Section 13b-39b of the general statutes is repealed and the  
1064 following is substituted in lieu thereof (*Effective January 1, 2010*):

1065 The Department of Public Transportation, Aviation and Ports shall  
1066 prepare and distribute to each municipality in which aircraft are based  
1067 or primarily used forms and decals for the registration of aircraft and  
1068 the renewal of such registrations. The registration forms shall contain  
1069 such information as the [Commissioner of Transportation]  
1070 commissioner may prescribe, including, but not limited to, information  
1071 concerning (1) the form and identity of ownership, including  
1072 information as to whether such ownership is by an individual,  
1073 partnership, corporation or other entity, (2) the type of aircraft,  
1074 including the year of manufacture, the manufacturer, the model and  
1075 the certified gross weight, (3) the Federal Aviation Certificate number  
1076 and (4) the location at which such aircraft is based or primarily used in  
1077 this state. Each municipality shall designate a municipal registration  
1078 official who may be an official or employee of the municipality or of  
1079 any airport facility, heliport or seaplane base located within the  
1080 municipality, to perform the duties of registration of aircraft as set  
1081 forth in sections 13b-39a to 13b-39h, inclusive, and shall furnish, in

1082 writing, the name, address and telephone number of each such official.  
1083 The municipality shall immediately notify the commissioner upon any  
1084 changes relative to the municipal registration official.

1085 Sec. 35. Section 13b-39h of the general statutes is repealed and the  
1086 following is substituted in lieu thereof (*Effective January 1, 2010*):

1087 Payments shall be made from the Special Transportation Fund by  
1088 the Department of Public Transportation, Aviation and Ports to  
1089 municipalities based on aircraft registered in such municipalities as of  
1090 the October 1, 1992, grand list in a percentage of the total tax that the  
1091 municipality would have collected in personal property tax pursuant  
1092 to section 12-71, assuming such aircraft were subject to assessment (1)  
1093 on April 1, 1994, a payment in an amount of one hundred per cent of  
1094 such total amount less such registration fee; (2) on April 1, 1995, a  
1095 payment in an amount of one hundred per cent of such total amount  
1096 less such registration fee; (3) on April 1, 1996, a payment in an amount  
1097 of ninety per cent of such total amount; (4) on April 1, 1997, a payment  
1098 in an amount of seventy per cent of such total amount; (5) on April 1,  
1099 1998, a payment in an amount of fifty per cent of such total amount; (6)  
1100 on April 1, 1999, a payment in an amount of thirty per cent of such  
1101 total amount; and (7) on April 1, 2000, a payment in an amount of ten  
1102 per cent of such total amount. In no event shall the total of the  
1103 registration fees and the payments from the department pursuant to  
1104 this section exceed one hundred per cent of the total tax the  
1105 municipality would have collected in personal property tax pursuant  
1106 to said section 12-71 assuming such aircraft was subject to assessment.

1107 Sec. 36. Section 13b-46 of the general statutes is repealed and the  
1108 following is substituted in lieu thereof (*Effective January 1, 2010*):

1109 (a) The commissioner may approve airports, heliports, restricted  
1110 landing areas, and other air navigation facilities. Any municipality or  
1111 person acquiring property for the purpose of constructing or  
1112 establishing an airport, heliport or restricted landing area shall, prior  
1113 to such acquisition, apply to the commissioner for a certificate of

1114 approval of the site selected and the general purpose or purposes for  
1115 which the property is to be acquired, to insure that the property and its  
1116 use shall conform to minimum standards of safety and shall serve the  
1117 public interest. Any proposed airport, heliport, restricted landing area  
1118 or other air navigation facility at which more than thirty-six landings  
1119 and takeoffs are expected to be made by aircraft in any year shall be  
1120 approved by the commissioner before it shall be licensed to be used or  
1121 operated. The commissioner shall make no charge for approval  
1122 certificates of proposed property acquisition for airport, heliport or  
1123 restricted landing area purposes.

1124 (b) The commissioner may license airports, heliports, restricted  
1125 landing areas and other air navigation facilities and renew such  
1126 licenses. When a certificate of approval of an airport, heliport or  
1127 restricted landing area has been issued by the commissioner, he may  
1128 grant a license for operation and use. On and after July 1, 1995, the  
1129 commissioner shall charge a fee of one hundred fifty dollars for each  
1130 license or renewal thereof. Each such license shall be effective for a  
1131 period of three years from the date of issuance. Each licensee shall  
1132 certify, on a form provided by the commissioner, that the licensed  
1133 facility shall comply with all applicable federal, state and local laws  
1134 and regulations during the license period. Municipalities shall be  
1135 exempt from the payment of any license fee in connection with  
1136 airports owned or operated by such municipalities.

1137 (c) No municipality or officer or employee thereof and no person  
1138 shall operate an airport, heliport, restricted landing area or other air  
1139 navigation facility for which approval has not been granted, and a  
1140 license has not been issued, by the commissioner. The provisions of  
1141 this section shall not apply to any airport, heliport, restricted landing  
1142 area or other air navigation facility owned by the federal government  
1143 within this state.

1144 (d) Any heliport in operation prior to October 1, 1985, shall be  
1145 deemed licensed for operation and use and the commissioner shall

1146 issue an original license for any such heliport upon the written request  
1147 of the person who controls and operates such heliport. Such heliports  
1148 shall be subject to the provisions of this chapter concerning the  
1149 renewal or revocation of licenses, inspection and review of air  
1150 navigation facilities and any other provision of this chapter except  
1151 those concerning the initial approval or licensing of such facilities.  
1152 Such heliports shall be subject to any regulation adopted by the  
1153 Commissioner of Public Transportation, Aviation and Ports in  
1154 accordance with the provisions of this chapter except those concerning  
1155 the initial approval or licensing of any air navigation facility.

1156 Sec. 37. Section 13b-49a of the general statutes is repealed and the  
1157 following is substituted in lieu thereof (*Effective January 1, 2010*):

1158 (a) Not later than July thirty-first annually, the owner or operator of  
1159 any airport, heliport, restricted landing area, seaplane base or other air  
1160 navigation facility licensed under the provisions of section 13b-46 shall  
1161 submit to the Commissioner of Public Transportation, Aviation and  
1162 Ports the following information with respect to an aircraft which is  
1163 based or primarily used at such facility as of July first of such year: (1)  
1164 The name and address of the owner thereof; (2) the type of aircraft;  
1165 and (3) the Federal Aviation Aircraft Registration number. Said  
1166 commissioner shall forward such information to the municipality in  
1167 which an aircraft is based.

1168 (b) The commissioner, after notice and opportunity for hearing, may  
1169 suspend or revoke the license of any such facility in the event the  
1170 owner or operator thereof knowingly or intentionally fails to comply  
1171 with the provisions of subsection (a) of this section.

1172 Sec. 38. Section 13b-50a of the 2008 supplement to the general  
1173 statutes is repealed and the following is substituted in lieu thereof  
1174 (*Effective January 1, 2010*):

1175 The following initiatives shall be established to preserve  
1176 Connecticut's licensed private owned, public used airports which have

1177 a paved runway and a minimum of five thousand operations per year:  
1178 (1) The state shall have the right of first refusal to purchase, via fair  
1179 market value and state property acquisition procedures, an airport, if  
1180 that airport is threatened with sale or closure, for the express purpose  
1181 in preserving the airport; (2) the Commissioner of Public  
1182 Transportation, Aviation and Ports may acquire the development  
1183 rights, based on fair market value for such rights of such airports,  
1184 provided the airport remains a public airport; (3) the state shall fund  
1185 capital improvements to private airports, in which case the state shall  
1186 participate in ninety per cent of the eligible costs and the balance by  
1187 the sponsor, with budget and priorities to be determined by the  
1188 Department of Public Transportation, Aviation and Ports, and  
1189 engineering in accordance with Federal Aviation Administration  
1190 Advisory Circulars; and (4) the establishment of a new airport zoning  
1191 category for the airport's imaginary surfaces as defined by Federal  
1192 Aviation Regulations. Development within these surfaces shall require  
1193 notices for proposed construction and a federal determination of  
1194 obstructions. Construction of obstructions deemed hazardous to  
1195 navigation shall not be allowed.

1196 Sec. 39. Section 13b-50p of the general statutes is repealed and the  
1197 following is substituted in lieu thereof (*Effective January 1, 2010*):

1198 (a) The Commissioner of Public Transportation, Aviation and Ports,  
1199 upon receipt of a written complaint, in such form and containing such  
1200 information as the commissioner may require, from any person  
1201 alleging that there have been repeated landings or takeoffs by aircraft  
1202 from any real property not licensed as an airport, heliport, restricted  
1203 landing area or other air navigation facility under the provisions of  
1204 section 13b-46, may require the owner of such property to keep records  
1205 of all landings and takeoffs made by aircraft from such property for a  
1206 period of one year. Upon receipt of such records the commissioner  
1207 shall, within ten days, forward them to the chief elected official of the  
1208 municipality in which such area or facility is located. The provisions of  
1209 this subsection shall not apply to any landing or takeoff made by

1210 military aircraft or an emergency medical service organization, any  
1211 landing made for emergency purposes or to any landing or takeoff  
1212 made at an annual special event or for agricultural purposes.

1213 (b) The Commissioner of Public Transportation, Aviation and Ports  
1214 shall adopt regulations in accordance with chapter 54 to implement the  
1215 provisions of subsection (a) of this section. The regulations shall  
1216 include, but not be limited to, the type of information the property  
1217 owner may be required to record, the procedures for transmitting such  
1218 information to the commissioner and standards for determining what  
1219 constitutes an annual special event and agricultural purposes.

1220 (c) Any person who violates any provision of this section or any  
1221 regulation adopted pursuant to this section shall be fined not more  
1222 than five hundred dollars.

1223 (d) In addition to the fine imposed pursuant to subsection (c) of this  
1224 section, a municipality may, by ordinance, establish a fine of not more  
1225 than two hundred fifty dollars for violating any provision of this  
1226 section.

1227 Sec. 40. Section 13b-51a of the general statutes is repealed and the  
1228 following is substituted in lieu thereof (*Effective January 1, 2010*):

1229 (a) There shall be in the Department of Public Transportation,  
1230 Aviation and Ports a Connecticut Maritime Commission which shall  
1231 consist of fifteen members, as follows: (1) The Commissioners of  
1232 Public Transportation, Aviation and Ports, Economic and Community  
1233 Development and Environmental Protection, the Secretary of the  
1234 Office of Policy and Management and the chairman of the  
1235 Transportation Strategy Board, established pursuant to section 13b-  
1236 57e, or their respective designees; (2) four members appointed by the  
1237 Governor; and (3) one member each appointed by the president pro  
1238 tempore of the Senate, the speaker of the House of Representatives, the  
1239 majority leader of the Senate, the minority leader of the Senate, the  
1240 majority leader of the House of Representatives and the minority



1241 leader of the House of Representatives. All appointed members shall  
1242 serve for terms coterminous with their appointing authority and until  
1243 their successor is appointed and has qualified. Vacancies on said  
1244 commission shall be filled for the remainder of the term in the same  
1245 manner as original appointments.

1246 (b) Appointed members of the commission shall be qualified by  
1247 experience or training and shall include members of the public and (1)  
1248 a representative of business and industry that is a regular user of  
1249 Connecticut port freight services; (2) a member or employee of a local  
1250 port authority; (3) a Connecticut port operator; (4) an operator of a  
1251 marine passenger service; (5) an elected or appointed official from a  
1252 coastal community; (6) a user or provider of recreational maritime  
1253 services; and (7) a working member of a port labor union.

1254 (c) The chairman shall be selected by the Governor from among the  
1255 appointed members of the commission. The members shall annually  
1256 elect one of their numbers as secretary. The commission may elect such  
1257 other officers as it deems proper. Members shall receive no  
1258 compensation for the performance of their duties, but shall be  
1259 reimbursed for necessary expenses incurred in the performance  
1260 thereof.

1261 (d) The commission shall (1) advise the Commissioner of Public  
1262 Transportation, Aviation and Ports, the Governor and the General  
1263 Assembly concerning the state's maritime policy and operations; (2)  
1264 develop and recommend to the Governor and the General Assembly a  
1265 maritime policy for the state; (3) support the development of  
1266 Connecticut's maritime commerce and industries, including its deep  
1267 water ports; (4) recommend investments and actions, including  
1268 dredging, required in order to preserve and enhanced maritime  
1269 commerce and industries; (5) conduct studies and present  
1270 recommendations concerning maritime issues; (6) support the  
1271 development of Connecticut's ports, including; identifying new  
1272 opportunities for the ports, analyzing the potential for and

1273 encouraging private investment in the ports and recommending  
1274 policies which support port operations.

1275 (e) At least once each year, the commission shall hold a public  
1276 hearing for the purpose of evaluating the adequacy of the state's  
1277 maritime policy, facilities and support for maritime commerce and  
1278 industry.

1279 (f) On or before January first, annually, the commission shall  
1280 submit, in writing, to the Commissioner of Public Transportation,  
1281 Aviation and Ports, the Governor and the Transportation Strategy  
1282 Board (1) a list of projects which, if undertaken by the state, would  
1283 support the state's maritime policy and encourage maritime commerce  
1284 and industry; (2) recommendations for improvements to existing  
1285 maritime policies, programs and facilities; and (3) such other  
1286 recommendations as it considers appropriate. Copies of the report  
1287 shall be submitted to the General Assembly pursuant to section 11-4a.

1288 (g) The commission may, upon its own motion, undertake any  
1289 studies it deems necessary for the improvement of a balanced public  
1290 transportation system within the state, including the improvement of  
1291 such system for elderly and disabled users. The commission shall have  
1292 other powers and shall perform such other duties as the Commissioner  
1293 of Public Transportation, Aviation and Ports, the Governor and the  
1294 General Assembly may delegate to it.

1295 (h) The staff of the Department of Public Transportation, Aviation  
1296 and Ports shall be available to assist the commission.

1297 (i) No member of the commission who is otherwise a public officer  
1298 or employee shall suffer a forfeiture of his or her office or employment,  
1299 or any loss or diminution in the rights and privileges pertaining  
1300 thereto, by reason of such membership.

1301 (j) A quorum of the commission for the purpose of transacting  
1302 business shall exist only when there is present, in person, a majority of

1303 its voting membership. The affirmative vote of a majority of the  
1304 quorum shall be required for the adoption of a resolution or vote of the  
1305 commission.

1306 (k) The commission shall have access through the Department of  
1307 Public Transportation, Aviation and Ports to all records, reports, plans,  
1308 schedules, operating rules and other documents pertaining to ports  
1309 and navigable waterways of Connecticut. This subsection shall not  
1310 apply to any plans, proposals, reports and other documents pertaining  
1311 to current or pending negotiations with employee bargaining units.

1312 (l) The Connecticut Maritime Commission shall be a successor  
1313 agency to the Connecticut Port Authority in accordance with the  
1314 provisions of sections 4-38d and 4-39.

1315 [(m) The Legislative Commissioners' Office shall, in codifying the  
1316 provisions of this section, make technical, grammatical and  
1317 punctuation changes as necessary to carry out the purposes of this  
1318 section.]

1319 Sec. 41. Section 13b-51b of the general statutes is repealed and the  
1320 following is substituted in lieu thereof (*Effective January 1, 2010*):

1321 There shall be, within the Department of Public Transportation,  
1322 Aviation and Ports, a State Maritime Office which shall: (1) Be  
1323 responsible for maritime operations, including the State Pier in New  
1324 London, the Connecticut River ferries and such other operational  
1325 responsibilities as shall be assigned to it; (2) serve as the Governor's  
1326 principal maritime policy advisor; (3) serve as the liaison between the  
1327 state and federal, local and private entities involved in maritime policy  
1328 activities; (4) coordinate the state's maritime policy activities; (5)  
1329 encourage year-round use of water-related industries; (6) work with  
1330 the Department of Economic and Community Development and other  
1331 state, local and private entities to maximize the economic potential of  
1332 Connecticut's ports and other maritime resources; (7) conduct  
1333 necessary research and planning activities; (8) assess potential state

1334 investments in ports and other maritime facilities; (9) provide staff  
1335 support to the Connecticut Maritime Commission, created in section  
1336 13b-51a; and (10) undertake such other responsibilities as may be  
1337 assigned to it by the commissioner or the Governor.

1338       Sec. 42. Section 13b-56 of the general statutes is repealed and the  
1339 following is substituted in lieu thereof (*Effective January 1, 2010*):

1340       For the purposes of this section and section 13b-57, "harbor  
1341 improvement agency" means any board, commission, agency or  
1342 department of any municipality designated by the chief executive  
1343 officer of such municipality and approved by the governing body  
1344 thereof for the purpose of carrying out a harbor improvement project  
1345 under this section. Any municipality may undertake a harbor  
1346 improvement project, including the development, improvement,  
1347 construction and installation of berthing areas, channels to berthing  
1348 areas, sea walls, piers, docks, navigation aids, bridges and other  
1349 related facilities and structures, pursuant to a harbor improvement  
1350 plan. The harbor improvement agency may prepare or cause to be  
1351 prepared a harbor improvement plan, and may approve such plan  
1352 after (1) obtaining the approval of the planning agency of the  
1353 municipality and (2) holding a public hearing thereon, notice of which  
1354 shall be published at least twice in a newspaper of general circulation  
1355 in the municipality, the first publication of notice to be not less than  
1356 two weeks before the date of the public hearing. Such harbor  
1357 improvement plan shall include: (a) A description of the harbor  
1358 improvement area and the condition, type and use of the structures  
1359 and facilities therein; (b) the location and extent of the proposed land  
1360 uses and harbor uses in such area; (c) the location and extent of streets  
1361 and public utilities, facilities and works within the area; (d) schedules  
1362 showing the number of families and businesses to be displaced by the  
1363 proposed improvement, the method of relocating such families and  
1364 businesses and the availability of sufficient suitable living  
1365 accommodations at prices and rentals within the financial means of  
1366 such families and located within a reasonable distance of the area from

1367 which they are displaced; (e) present and proposed zoning regulations  
1368 in the harbor improvement area; (f) a description of all land to be  
1369 acquired and buildings and improvements to be demolished and  
1370 removed or rehabilitated; (g) a description of all improvements to be  
1371 constructed, installed or made; (h) the plan's relationship to definite  
1372 local objectives; (i) financial aspects of the project, and (j) a ratio of the  
1373 costs of the project to the benefits to be derived therefrom. After  
1374 approval of the harbor improvement plan by the harbor improvement  
1375 agency, the plan shall be submitted to the Commissioner of Public  
1376 Transportation, Aviation and Ports and the Commissioner of  
1377 Environmental Protection and, if approved by each commissioner,  
1378 may be adopted by the governing body of the municipality. A harbor  
1379 development plan may be modified at any time by a harbor  
1380 improvement agency, provided such modification is consented to in  
1381 writing by each purchaser or lessee of land in the harbor improvement  
1382 project affected by such modification, and such modification does not  
1383 substantially change the plan; otherwise any modification to such plan  
1384 shall be approved in the same manner as the plan. Any municipality  
1385 and its harbor improvement agency may exercise, for the purposes of  
1386 undertaking a harbor improvement project, all the powers and  
1387 authority granted to a municipality and to a redevelopment agency for  
1388 the purposes of a redevelopment or urban renewal project pursuant to  
1389 chapter 130.

1390 Sec. 43. Section 13b-57 of the general statutes is repealed and the  
1391 following is substituted in lieu thereof (*Effective January 1, 2010*):

1392 The state, acting by and in the discretion of the Commissioner of  
1393 Public Transportation, Aviation and Ports, may enter into a contract  
1394 with a municipality, acting by its harbor improvement agency, for state  
1395 financial assistance for a harbor improvement project pursuant to a  
1396 harbor improvement plan approved by the Commissioner of Public  
1397 Transportation, Aviation and Ports in the form of a state grant-in-aid  
1398 equal to two-thirds of the net cost of the project as approved by the  
1399 Commissioner of Public Transportation, Aviation and Ports, provided

1400 state financial assistance to any municipality for such purposes shall  
1401 not exceed one million dollars. Any such application for state financial  
1402 assistance under this section shall be submitted by the Commissioner  
1403 of Public Transportation, Aviation and Ports to the Commissioner of  
1404 Environmental Protection for his review. [Said] The Commissioner of  
1405 Environmental Protection shall submit a written report to the  
1406 Commissioner of Public Transportation, Aviation and Ports, setting  
1407 forth his findings regarding such application.

1408 Sec. 44. Subsection (a) of section 13b-57d of the general statutes is  
1409 repealed and the following is substituted in lieu thereof (*Effective*  
1410 *January 1, 2010*):

1411 (a) As used in subsection (e) of section 13b-11a, this section and  
1412 sections 13b-57e to 13b-57k, inclusive, 13b-212d and 14-270e:

1413 (1) "Board" means the Connecticut Transportation Strategy Board;

1414 [(2) "Department" means the Department of Transportation;

1415 (3) "Commissioner" means the Commissioner of Transportation;]

1416 [(4)] (2) "Strategy" means the transportation projects and supporting  
1417 documentation contained in the report submitted by the board in  
1418 accordance with section 13b-57g of the 2008 supplement to the general  
1419 statutes, and any updates or revisions to such transportation projects;

1420 [(5)] (3) "TIA corridor plan" means a twenty-year strategic plan for  
1421 transportation in a corridor and any updates or other revisions to such  
1422 plan;

1423 [(6)] (4) "Transportation project" means any planning, capital or  
1424 operating project with regard to transportation undertaken by the  
1425 state, provided nothing contained in sections 13b-57d to 13b-57g,  
1426 inclusive, of the 2008 supplement to the general statutes shall be  
1427 deemed to authorize the board to undertake any project other than  
1428 strategic planning;

1429        [(7)] (5) "Local planning agency" means a metropolitan planning  
1430 organization, as provided in 23 USC 134, a regional planning agency,  
1431 as provided in section 8-31a, a regional council of elected officials, as  
1432 defined in subsection (b) of section 4-124i or a council, as defined in  
1433 subsection (f) of section 4-124c;

1434        [(8)] (6) "TIA" means transportation investment area;

1435        [(9)] (7) "Coastal corridor" and "coastal corridor TIA" means the  
1436 following towns and the roads, highways, bridges, waterways, ports  
1437 and airports in such towns: Ansonia, Beacon Falls, Bethany, Bethel,  
1438 Bethlehem, Branford, Bridgeport, Bridgewater, Brookfield, Cheshire,  
1439 Danbury, Darien, Derby, East Haven, Easton, Fairfield, Greenwich,  
1440 Guilford, Hamden, Madison, Meriden, Middlebury, Milford, Monroe,  
1441 Naugatuck, New Canaan, New Fairfield, New Haven, New Milford,  
1442 Newtown, North Branford, North Haven, Norwalk, Orange, Oxford,  
1443 Prospect, Redding, Ridgefield, Seymour, Shelton, Sherman, Southbury,  
1444 Stamford, Stratford, Thomaston, Trumbull, Wallingford, Waterbury,  
1445 Watertown, West Haven, Weston, Westport, Wilton, Wolcott,  
1446 Woodbridge and Woodbury;

1447        [(10)] (8) "I-84 corridor" and "I-84 TIA" means the following towns  
1448 and the roads, highways, bridges, waterways, ports and airports in  
1449 such towns: Andover, Ansonia, Avon, Barkhamsted, Beacon Falls,  
1450 Berlin, Bethel, Bethlehem, Bloomfield, Bolton, Bridgewater, Bristol,  
1451 Brookfield, Burlington, Canaan, Canton, Cheshire, Colebrook,  
1452 Cornwall, Danbury, Derby, East Granby, East Hartford, East Windsor,  
1453 Ellington, Enfield, Farmington, Glastonbury, Goshen, Granby,  
1454 Hartford, Hartland, Harwinton, Hebron, Kent, Litchfield, Manchester,  
1455 Marlborough, Middlebury, Morris, Naugatuck, New Britain, New  
1456 Fairfield, New Hartford, New Milford, Newington, Newtown,  
1457 Norfolk, North Canaan, Oxford, Plainville, Plymouth, Prospect,  
1458 Redding, Ridgefield, Rocky Hill, Roxbury, Salisbury, Seymour, Sharon,  
1459 Shelton, Sherman, Simsbury, Somers, South Windsor, Southbury,  
1460 Southington, Stafford, Suffield, Thomaston, Tolland, Torrington,

1461 Union, Vernon, Warren, Washington, Waterbury, Watertown, West  
1462 Hartford, Wethersfield, Winchester, Windsor, Windsor Locks, Wolcott  
1463 and Woodbury;

1464 [(11)] (9) "I-91 corridor" and "I-91 TIA" means the following towns  
1465 and the roads, highways, bridges, waterways, ports and airports in  
1466 such towns: Andover, Avon, Berlin, Bethany, Bloomfield, Bolton,  
1467 Branford, Bristol, Burlington, Canton, Chester, Clinton, Cromwell,  
1468 Deep River, Durham, East Granby, East Haddam, East Hampton, East  
1469 Hartford, East Haven, East Windsor, Ellington, Enfield, Essex,  
1470 Farmington, Glastonbury, Granby, Guilford, Haddam, Hamden,  
1471 Hartford, Hebron, Killingworth, Lyme, Madison, Manchester,  
1472 Marlborough, Meriden, Middlefield, Middletown, Milford, New  
1473 Britain, New Haven, Newington, North Branford, North Haven, Old  
1474 Lyme, Old Saybrook, Orange, Plainville, Plymouth, Portland, Rocky  
1475 Hill, Simsbury, Somers, South Windsor, Southington, Suffield, Tolland,  
1476 Vernon, Wallingford, West Hartford, West Haven, Westbrook,  
1477 Wethersfield, Windsor, Windsor Locks and Woodbridge;

1478 [(12)] (10) "I-395 corridor" and "I-395 TIA" means the following  
1479 towns and the roads, highways, bridges, waterways, ports and airports  
1480 in such towns: Ashford, Bozrah, Brooklyn, Canterbury, Chaplin,  
1481 Colchester, Columbia, Coventry, East Lyme, Eastford, Franklin,  
1482 Griswold, Groton, Hampton, Killingly, Lebanon, Ledyard, Lisbon,  
1483 Mansfield, Montville, New London, North Stonington, Norwich,  
1484 Plainfield, Pomfret, Preston, Putnam, Salem, Scotland, Sprague,  
1485 Stafford, Sterling, Stonington, Thompson, Union, Voluntown,  
1486 Waterford, Willington, Windham and Woodstock;

1487 [(13)] (11) "Southeast corridor" and "Southeast corridor TIA" means  
1488 the following towns and the roads, highways, bridges, waterways,  
1489 ports and airports in such towns: Bozrah, Chester, Clinton, Colchester,  
1490 Deep River, East Lyme, Essex, Franklin, Griswold, Groton,  
1491 Killingworth, Ledyard, Lisbon, Lyme, Montville, New London, North  
1492 Stonington, Norwich, Old Lyme, Old Saybrook, Preston, Salem,



1493 Sprague, Stonington, Voluntown, Waterford and Westbrook; and

1494 [(14)] (12) Modal" means a mode of transportation, and  
1495 "multimodal" means two or more modes of transportation.

1496 Sec. 45. Section 13b-57e of the general statutes is repealed and the  
1497 following is substituted in lieu thereof (*Effective January 1, 2010*):

1498 (a) There is established the Connecticut Transportation Strategy  
1499 Board, within the Office of Policy and Management for administrative  
1500 purposes only, the members of which shall be appointed as follows:

1501 (1) Five members from the private sector who have expertise in  
1502 transportation, business, finance or law as follows: (A) The Governor  
1503 shall appoint one member, who shall be the chairperson, and whose  
1504 first term shall expire on June 30, 2005, (B) the president pro tempore  
1505 of the Senate shall appoint one member whose first term shall expire  
1506 on June 30, 2004, (C) the speaker of the House of Representatives shall  
1507 appoint one member whose first term shall expire on June 30, 2003, (D)  
1508 the minority leader of the Senate shall appoint one member whose first  
1509 term shall expire on June 30, 2003, and (E) the minority leader of the  
1510 House of Representatives shall appoint one member whose first term  
1511 shall expire on June 30, 2002;

1512 (2) One member from each TIA, for which position the chairpersons  
1513 of the board of the local planning agencies in such TIA, after  
1514 consulting with the participants in such TIA, shall nominate, for  
1515 consideration by the appointing authority, three individuals who live  
1516 in such TIA and who have significant experience in and knowledge of  
1517 local, regional and state governmental processes, including at least one  
1518 chief elected official in a town in such TIA. If the chairpersons of the  
1519 board of the local planning agencies in such TIA fail to nominate three  
1520 qualifying individuals within one hundred eighty days of the  
1521 expiration of the previous appointment term, the appointing authority  
1522 may appoint an individual meeting the qualifications of this  
1523 subdivision. Appointments shall be made as follows: (A) The

1524 chairpersons of the joint standing committee of the General Assembly  
1525 having cognizance of matters relating to transportation shall appoint  
1526 one member from the southeast corridor TIA, whose first term shall  
1527 expire on June 30, 2002, (B) the president pro tempore of the Senate  
1528 shall appoint one member from the I-91 corridor TIA, whose first term  
1529 shall expire on June 30, 2003, provided, on and after July 1, 2006,  
1530 subsequent appointments shall be from the I-84 corridor TIA, (C) the  
1531 speaker of the House of Representatives shall appoint one member  
1532 from the coastal corridor TIA, whose first term shall expire on June 30,  
1533 2004, (D) the majority leader of the Senate shall appoint one member  
1534 from the I-395 corridor TIA, whose first term shall expire on June 30,  
1535 2005, and (E) the majority leader of the House of Representatives shall  
1536 appoint one member from the I-84 corridor TIA, whose first term shall  
1537 expire on June 30, 2005, provided, on and after July 1, 2006, subsequent  
1538 appointments shall be from the I-91 corridor TIA; and

1539 (3) The Commissioners of Public Transportation, Aviation and  
1540 Ports, Highways, Environmental Protection, Economic and  
1541 Community Development and Public Safety, and the Secretary of the  
1542 Office of Policy and Management, or their respective designees.

1543 (b) Upon the expiration of the term of a member of the board who is  
1544 appointed as provided in subdivision (1) or (2) of subsection (a) of this  
1545 section, each subsequent appointee to the board shall serve for a term  
1546 of four years. No person shall serve as a member of the board for more  
1547 than two consecutive terms. A vacancy in the position of an appointed  
1548 board member shall be filled by the appointing authority for the  
1549 remainder of the term.

1550 (c) The board may establish such subcommittees as it deems  
1551 appropriate and appoint the members of such subcommittees from  
1552 among its members. Ten members of the board shall be present to  
1553 constitute a quorum.

1554 (d) The members of the board shall not be compensated for their  
1555 service as members of the board.

1556 (e) The board may issue guidelines for coordination and  
1557 organization to the TIAs. These guidelines shall not constitute  
1558 regulations, as defined in subdivision (13) of section 4-166.

1559 (f) The Secretary of the Office of Policy and Management shall be  
1560 responsible for staff support for the board. The secretary may utilize  
1561 the staff of said office and, in consultation with the responsible agency  
1562 head, the Department of Public Transportation, Aviation and Ports, the  
1563 Department of Highways, the Department of Economic and  
1564 Community Development, or any other state agency for that purpose.  
1565 Within available appropriations, the board may hire consultants with  
1566 approval by the secretary, and such consultants shall be procured  
1567 through the Office of Policy and Management or [the Department of  
1568 Transportation] another agency, as determined by the secretary.

1569 (g) The Transportation Strategy Board is a public agency, as defined  
1570 in section 1-200, for purposes of the Freedom of Information Act, and  
1571 is a quasi-public agency, as defined in section 1-79 of the 2008  
1572 supplement to the general statutes, for purposes of chapter 10.

1573 Sec. 46. Subsection (j) of section 13b-57g of the 2008 supplement to  
1574 the general statutes is repealed and the following is substituted in lieu  
1575 thereof (*Effective January 1, 2010*):

1576 (j) Not later than January 1, 2007, and quadrennially thereafter, the  
1577 board shall review and, if necessary, revise the strategy adopted  
1578 pursuant to subsection (a) of this section. A report describing any  
1579 revisions and the reasons for them shall be submitted to the Governor  
1580 and, pursuant to section 11-4a, the General Assembly. Such report  
1581 shall include a prioritized list of projects which the board, in  
1582 consultation with the commissioner, determines are necessary to  
1583 implement the recommended strategy, including the estimated capital  
1584 and operating costs and time frame of such projects, and completion  
1585 schedule for all projects. Not later than January 31, 2007, and  
1586 quadrennially thereafter, the joint standing committees of the General  
1587 Assembly having cognizance of matters relating to transportation,

1588 finance, revenue and bonding and planning and development and the  
1589 chairpersons and ranking members of the joint standing committee  
1590 having cognizance of matters relating to commerce, shall meet with the  
1591 Commissioners of Public Transportation, Aviation and Ports,  
1592 Highways and Economic and Community Development, the Secretary  
1593 of the Office of Policy and Management, the chairperson of the  
1594 Transportation Strategy Board and such other persons as they deem  
1595 appropriate to consider the report required by this subsection.

1596 Sec. 47. Section 13b-57k of the general statutes is repealed and the  
1597 following is substituted in lieu thereof (*Effective January 1, 2010*):

1598 Not later than January 1, 2004, and annually thereafter, the  
1599 Commissioner of Public Transportation, Aviation and Ports and the  
1600 Commissioner of Highways shall submit a report to the board listing  
1601 projects, other than TSB projects, that the [department determines]  
1602 departments determine to be of greatest importance and the reasons  
1603 for such determination.

1604 Sec. 48. Section 13b-57l of the general statutes is repealed and the  
1605 following is substituted in lieu thereof (*Effective January 1, 2010*):

1606 (a) The Commissioner of Public Transportation, Aviation and Ports  
1607 and the Commissioner of Highways shall submit the TSB projects  
1608 under subsection (b) of section 13b-57h to the appropriate state  
1609 metropolitan planning organizations, as defined in 23 USC 134 and 49  
1610 USC 5303, for consideration as transportation improvement projects, in  
1611 accordance with 23 USC 135 and 49 USC 5304, as soon as practicable  
1612 after August 20, 2003.

1613 (b) [The commissioner] Said commissioners shall submit all  
1614 updates or revisions of the strategy adopted, in accordance with  
1615 section 13b-57g of the 2008 supplement to the general statutes, to the  
1616 appropriate state metropolitan planning organizations, as defined in  
1617 23 USC 134 and 49 USC 5303, for consideration as transportation  
1618 improvement projects, in accordance with 23 USC 135 and 49 USC

1619 5304, as soon as practicable following approval of such updates or  
1620 revisions.

1621 Sec. 49. Section 13b-57q of the general statutes is repealed and the  
1622 following is substituted in lieu thereof (*Effective January 1, 2010*):

1623 (a) On or before August first of each year, [the Department of  
1624 Transportation, in consultation with] the Secretary of the Office of  
1625 Policy and Management, in consultation with Commissioner of Public  
1626 Transportation, Aviation and Ports, the Commissioner of Highways,  
1627 the Commissioner of Highways, the State Treasurer and the  
1628 Transportation Strategy Board, shall prepare a financing plan for the  
1629 annual funding and financing of the projects and purposes described  
1630 in section 13b-57h. Such annual financing plan shall be based upon the  
1631 funding available or anticipated to be available in the Transportation  
1632 Strategy Board projects account, as well as the use of any federal  
1633 revenue, grants or other transportation-related financial assistance  
1634 which may be available in such fiscal year. The annual financing plan  
1635 shall include funding mandated by sections 13b-57s and 13b-57t. Upon  
1636 the approval of such annual financing plan by the Governor, funding  
1637 identified in the annual financing plan shall be paid within the fiscal  
1638 year of such annual financing plan into the Transportation Strategy  
1639 Board projects account, established under section 13b-57r, of the  
1640 Special Transportation Fund and shall be available to fund those  
1641 projects and purposes identified in such annual financing plan.

1642 (b) In addition to the preparation of the annual financing plans, the  
1643 [Department of Transportation] Secretary of the Office of Policy and  
1644 Management shall prepare a five-year financing plan that shall project  
1645 for a period of five years the funds to be credited to the Transportation  
1646 Strategy Board projects account, established under section 13b-57r, of  
1647 the Special Transportation Fund, the anticipated use of cash funding,  
1648 including funding mandated by sections 13b-57s and 13b-57t, and  
1649 federal revenue, grants or other transportation related financial  
1650 assistance to fund or finance the projects and purposes described in

1651 section 13b-57h. Such five-year financing plan shall be updated on or  
 1652 before August first of each year at the same time as the preparation of  
 1653 the annual financing plan and shall be provided by the [Commissioner  
 1654 of Transportation] Secretary of the Office of Policy and Management to  
 1655 the Transportation Strategy Board, the State Treasurer, the [Secretary  
 1656 of the Office of Policy and Management] Commissioner of Public  
 1657 Transportation, Aviation and Ports, the Commissioner of Highways  
 1658 and the joint standing committees of the General Assembly having  
 1659 cognizance of matters relating to transportation and finance, revenue  
 1660 and bonding.

1661 Sec. 50. Section 13b-69 of the general statutes is repealed and the  
 1662 following is substituted in lieu thereof (*Effective January 1, 2010*):

1663 (a) The Treasurer shall apply the resources in the Special  
 1664 Transportation Fund, upon their receipt, first, to pay or provide for the  
 1665 payment of debt service requirements, as defined in section 13b-75, at  
 1666 such time or times, in such amount or amounts and in such manner, as  
 1667 provided by the proceedings authorizing the issuance of special tax  
 1668 obligation bonds pursuant to sections 13b-74 to 13b-77, inclusive, and  
 1669 then to pay from the Transportation Strategy Board projects account of  
 1670 the Special Transportation Fund, established under section 13b-57r, the  
 1671 incremental revenues identified in approved annual financing plans  
 1672 for cash funding in accordance with the provisions of section 13b-57q.

1673 (b) The remaining resources of the Special Transportation Fund  
 1674 shall, pursuant to appropriation thereof in accordance with chapter 50  
 1675 and subject to approval by the Governor of allotment thereof, be  
 1676 applied and expended for (1) payment of the principal of and interest  
 1677 on "general obligation bonds of the state issued for transportation  
 1678 purposes", as defined in subsection (c) of this section, or any  
 1679 obligations refunding the same, (2) payment of state budget  
 1680 appropriations made to or for the Department of Public  
 1681 Transportation, Aviation and Ports, the Department of Highways and  
 1682 the Department of Motor Vehicles, and (3) payment of state budget

1683 appropriations made to or for the Department of Public Safety for  
1684 members of the Division of State Police designated by the  
1685 Commissioner of Public Safety for motor patrol work pursuant to  
1686 section 29-4, except that (A) for the fiscal years commencing on or after  
1687 July 1, 1998, excluding the highway motor patrol budgeted expenses  
1688 and (B) for the fiscal years commencing on or after July 1, 1999,  
1689 excluding the highway motor patrol fringe benefits.

1690 (c) As used in this section, "general obligation bonds of the state  
1691 issued for transportation purposes" means the aggregate principal  
1692 amount, as determined by the Secretary of the Office of Policy and  
1693 Management, of state general obligation bonds authorized for  
1694 transportation purposes pursuant to the following authorizations  
1695 issued and outstanding at any time: Special acts 406 of the 1959  
1696 session; 328 of the 1961 session, as amended; 362 of the 1963 session, as  
1697 amended; 245 of the February 1965 special session, as amended; 276  
1698 and 315 of the 1967 session, as amended; 255 and 281 of the 1969  
1699 session; 31 of the 1972 session, as amended; 73-74, as amended; 74-43;  
1700 74-102, as amended; 75-101; 76-84, as amended; 77-47; 78-70; 78-71, as  
1701 amended; 78-81, as amended; 79-95; 80-41; 81-71; 82-46, as amended;  
1702 83-17 of the June special session; and 83-2 and 83-3 of the October  
1703 special session; sections 4-66c of the 2008 supplement to the general  
1704 statutes; 13a-20; 13a-29; 13a-32 to 13a-35, inclusive; 13a-157; 13a-165;  
1705 13a-166; 13a-176 to 13a-192, inclusive; 13a-197; 13a-198a to 13a-198j,  
1706 inclusive; 13a-239 to 13a-246, inclusive; 16-338; 16a-40j and 16a-40k;  
1707 and section 28 of public act 132 of 1959\*, sections 8 and 13 of public act  
1708 325 of the February 1965 special session\*, as amended; sections 4 and 5  
1709 of public act 755 of 1969\*, as amended; and section 1 of public act 80-  
1710 392\*.

1711 Sec. 51. Section 13b-78l of the general statutes is repealed and the  
1712 following is substituted in lieu thereof (*Effective January 1, 2010*):

1713 (a) The Commissioner of Public Transportation, Aviation and Ports  
1714 shall:

1715 (1) Acquire not less than three hundred forty-two self-propelled rail  
1716 cars for use on the New Haven Line;

1717 (2) Design and construct rail maintenance facilities to support the  
1718 self-propelled rail cars;

1719 (3) Design and construct operational improvements to Interstate 95  
1720 between Greenwich and North Stonington; and

1721 (4) Purchase twenty-five transit buses. [~~; and~~]

1722 [(5) In] (b) The Commissioner of Highways and the Commissioner  
1723 of Public Transportation, Aviation and Ports shall, in consultation with  
1724 the Transportation Strategy Board and cognizant metropolitan  
1725 planning organizations, regional planning agencies, regional councils  
1726 of elected officials and regional councils of governments, evaluate,  
1727 design and construct transportation system improvements other than  
1728 projects on Interstate 95.

1729 Sec. 52. Subsections (c) and (d) of section 13b-78m of the 2008  
1730 supplement to the general statutes are repealed and the following is  
1731 substituted in lieu thereof (*Effective January 1, 2010*):

1732 (c) The Secretary of the Office of Policy and Management shall, in  
1733 consultation with the Commissioner of Public Transportation,  
1734 Aviation and Ports, annually prepare a budget detailing how funds in  
1735 the New Haven Line revitalization account shall be spent during the  
1736 next fiscal year. On the approval of such budget by the Governor, the  
1737 Commissioner of Public Transportation, Aviation and Ports may  
1738 expend funds from such account for the purposes stated therein.

1739 (d) The Commissioner of Public Transportation, Aviation and Ports  
1740 shall, by regulations adopted in accordance with chapter 54, determine  
1741 the method by which the increase shall be applied to daily, multiple-  
1742 ride, weekly and monthly commutation tickets.

1743 Sec. 53. Section 13b-78n of the general statutes is repealed and the



1744 following is substituted in lieu thereof (*Effective January 1, 2010*):

1745 The Department of Public Transportation, Aviation and Ports may  
1746 solicit bids or qualifications for equipment, materials or services for a  
1747 project funded pursuant to subsection (b) of section 13b-78q at any  
1748 time in the fiscal year, notwithstanding the fact that all required funds  
1749 may not be available for expenditure until later in the same or a  
1750 succeeding fiscal year.

1751 Sec. 54. Section 13b-78o of the general statutes is repealed and the  
1752 following is substituted in lieu thereof (*Effective January 1, 2010*):

1753 Not later than September first of each year, the Commissioner of  
1754 Public Transportation, Aviation and Ports shall report to the Governor,  
1755 the Transportation Strategy Board and, in accordance with section 11-  
1756 4a, the joint standing committees of the General Assembly having  
1757 cognizance of matters relating to transportation and to finance,  
1758 revenue and bonding concerning (1) the status, including the financial  
1759 status, of the New Haven Line revitalization program defined in  
1760 section 13b-78k; (2) the capital needs of the passenger rail services in  
1761 the state; and (3) the status, including the financial status, of the  
1762 projects specified in section 13b-78l.

1763 Sec. 55. Subsection (b) of section 13b-78p of the 2008 supplement to  
1764 the general statutes is repealed and the following is substituted in lieu  
1765 thereof (*Effective January 1, 2010*):

1766 (b) The proceeds of the sale of such bonds, to the extent hereinafter  
1767 stated, shall be used for the purpose of payment of the transportation  
1768 costs, as defined in subdivision (6) of section 13b-75, with respect to the  
1769 projects and uses hereinafter described, which projects and uses are  
1770 hereby found and determined to be in furtherance of one or more of  
1771 the authorized purposes for the issuance of special tax obligation  
1772 bonds set forth in section 13b-74. Any proceeds from the sale of the  
1773 bonds may be used by the Department of Public Transportation,  
1774 Aviation and Ports for [the Bureau of Public Transportation for] rail

1775 rolling stock and maintenance facilities, including rights-of-way, other  
1776 property acquisition and related projects, not exceeding \$485,650,000.

1777 Sec. 56. Subsection (b) of section 13b-78q of the general statutes is  
1778 repealed and the following is substituted in lieu thereof (*Effective*  
1779 *January 1, 2010*):

1780 (b) The proceeds of the sale of the bonds to the extent hereinafter  
1781 stated shall be used for the purpose of payment of the transportation  
1782 costs, as defined in subdivision (6) of section 13b-75, with respect to the  
1783 projects and uses hereinafter described, which projects and uses are  
1784 hereby found and determined to be in furtherance of one or more of  
1785 the authorized purposes for the issuance of special tax obligation  
1786 bonds set forth in section 13b-74, (1) for the Department of  
1787 [Transportation] Highways: [(1)] Operational improvements to  
1788 Interstate 95 between Greenwich and North Stonington, including  
1789 environmental assessment and planning, rights-of-way and property  
1790 acquisition, \$187,000,000, (2) [transportation] for the Department of  
1791 Public Transportation, Aviation and Ports and the Department of  
1792 Highways: Transportation system improvements, as defined in section  
1793 13b-78k, other than projects on Interstate 95, including environmental  
1794 assessment and planning, rights-of-way and property acquisition,  
1795 \$150,000,000, and (3) for the Department of Public Transportation,  
1796 Aviation and Ports: [bus] Bus rolling stock, not exceeding \$7,500,000.

1797 Sec. 57. Subsection (b) of section 13b-78r of the 2008 supplement to  
1798 the general statutes is repealed and the following is substituted in lieu  
1799 thereof (*Effective January 1, 2010*):

1800 (b) The proceeds of the sale of said bonds to the extent hereinafter  
1801 stated, shall be used for the purpose of payment of the transportation  
1802 costs, as defined in subdivision (6) of section 13b-75, with respect to the  
1803 projects and uses hereinafter described, which projects and uses are  
1804 hereby found and determined to be in furtherance of one or more of  
1805 the authorized purposes for the issuance of special tax obligation  
1806 bonds set forth in section 13b-74. Any proceeds of the bonds shall be

1807 used by the Department of [Transportation] Highways for the purpose  
1808 of establishing a Fix-it-First program to repair the state's roads. Thirty  
1809 million dollars of such funds shall be used for the rehabilitation and  
1810 reconstruction of highways that are not part of the interstate highway  
1811 system.

1812 Sec. 58. Subsection (b) of section 13b-78s of the 2008 supplement to  
1813 the general statutes is repealed and the following is substituted in lieu  
1814 thereof (*Effective January 1, 2010*):

1815 (b) The proceeds of the sale of said bonds to the extent hereinafter  
1816 stated, shall be used for the purpose of payment of the transportation  
1817 costs, as defined in subdivision (6) of section 13b-75, with respect to the  
1818 projects and uses hereinafter described, which projects and uses are  
1819 hereby found and determined to be in furtherance of one or more of  
1820 the authorized purposes for the issuance of special tax obligation  
1821 bonds set forth in section 13b-74. Any proceeds of the bonds shall be  
1822 used by the Department of [Transportation] Highways for the purpose  
1823 of establishing a Fix-it-First program to repair the state's bridges.

1824 Sec. 59. Section 13b-79 of the general statutes is repealed and the  
1825 following is substituted in lieu thereof (*Effective January 1, 2010*):

1826 The Commissioner of [Transportation] Highways shall update the  
1827 ten-year plan\* for bridge repair and road resurfacing annually and  
1828 shall submit a report updating such plan to the joint standing  
1829 committee of the General Assembly having cognizance of matters  
1830 relating to transportation not later than the first business day of  
1831 January of each year.

1832 Sec. 60. Section 13b-79a of the general statutes is repealed and the  
1833 following is substituted in lieu thereof (*Effective January 1, 2010*):

1834 Not later than October 1, 1984, and annually thereafter, the  
1835 Commissioner of [Transportation] Highways shall prepare a report on  
1836 the current status and progress of the transportation infrastructure

1837 program authorized pursuant to special act 84-52 and sections 3-21a, 3-  
 1838 27a, 3-27f, 12-458 of the 2008 supplement to the general statutes and  
 1839 12-458d, subsection (c) of section 13a-80a, sections 13a-175p to 13a-  
 1840 175u, inclusive, subsection (f) of section 13b-42, sections 13b-59, 13b-61,  
 1841 13b-69, 13b-71, 13b-74 to 13b-77, inclusive, and 13b-80, subsection (a) of  
 1842 section 13b-97, subsection (a) of section 14-12, sections 14-15, 14-16a  
 1843 and 14-21c, subsection (a) of section 14-25a, section 14-28, subsection  
 1844 (b) of section 14-35, subsection (b) of section 14-41 of the 2008  
 1845 supplement to the general statutes, section 14-41a of the 2008  
 1846 supplement to the general statutes, subsection (a) of section 14-44 of  
 1847 the 2008 supplement to the general statutes, sections 14-47, 14-48b, 14-  
 1848 49 of the 2008 supplement to the general statutes and 14-50, subsection  
 1849 (a) of section 14-50a, sections 14-52 and 14-58, subsection (c) of section  
 1850 14-66 of the 2008 supplement to the general statutes, subsection (e) of  
 1851 section 14-67, sections 14-67a, 14-67d, 14-67l and 14-69, subsection (e)  
 1852 of section 14-73, subsection (c) of section 14-96q, sections 14-103a of the  
 1853 2008 supplement to the general statutes and 14-160, subsection (a) of  
 1854 section 14-164a, subsection (a) of section 14-192, sections 14-319, 14-320  
 1855 and 14-381, subsection (b) of section 14-382 and section 15-14. Each  
 1856 report shall include, but not be limited to: Information on the number  
 1857 of lane miles of state and local roadway repaved, the status of the state  
 1858 and local bridge programs, the status of intrastate and interstate  
 1859 highway programs and the interstate trade-in program and mass  
 1860 transportation and aeronautics programs. The commissioner shall  
 1861 notify the joint standing committees of the General Assembly having  
 1862 cognizance of matters relating to finance, revenue and bonding and  
 1863 appropriations and the budgets of state agencies of the availability of  
 1864 the report. A requesting member of such a committee shall be sent a  
 1865 written copy or electronic storage media of the report by the  
 1866 commissioner.

1867 Sec. 61. Section 13b-79b of the general statutes is repealed and the  
 1868 following is substituted in lieu thereof (*Effective January 1, 2010*):

1869 The Commissioner of Highways and the Commissioner of Public

1870 Transportation, Aviation and Ports shall jointly prepare a report not  
 1871 later than October 1, 1984, and annually thereafter, with respect to the  
 1872 Special Transportation Fund established under section 13b-68. Each  
 1873 such report shall, for the preceding twelve-month period, (1) specify  
 1874 the moneys credited to such fund on account of, or derived from, each  
 1875 source of state and federal revenue, (2) specify the amount of  
 1876 investment earnings from the fund, (3) specify the moneys from such  
 1877 fund applied and expended for (A) the payment of debt service  
 1878 requirements, as defined in section 13b-75, (B) the payment of the  
 1879 principal of and interest on general obligation bonds of the state issued  
 1880 for transportation purposes, as defined in section 13b-69, and (C) each  
 1881 budgeted account under the annual budget appropriation made to the  
 1882 Department of Highways and the Department of Public  
 1883 Transportation, Aviation and Ports, (4) specify the number of lane  
 1884 miles of state and local roadway repaved, the status of the state and  
 1885 local bridge programs, the status of intrastate and interstate highway  
 1886 programs and the interstate trade-in program and mass transportation  
 1887 and aeronautics programs and (5) specify the amount of all  
 1888 expenditures from the Special Transportation Fund for the purchase of  
 1889 highway related equipment. The commissioner shall notify the joint  
 1890 standing committees of the General Assembly having cognizance of  
 1891 matters relating to finance, revenue and bonding, transportation and  
 1892 appropriations and the budgets of state agencies of the availability of  
 1893 the report. A requesting member of such a committee shall be sent a  
 1894 written copy or electronic storage media of the report by the  
 1895 commissioner.

1896 Sec. 62. Section 13b-79c of the general statutes is repealed and the  
 1897 following is substituted in lieu thereof (*Effective January 1, 2010*):

1898 (a) The Department of Public Transportation, Aviation and Ports  
 1899 and the Department of Highways shall give due consideration to the  
 1900 recommendations of the state-wide transit study in its implementation  
 1901 of the flexibility provisions of the Transportation Equity Act for the  
 1902 21st Century.

1903 (b) On and after October 1, 1992, the Department of Public  
1904 Transportation, Aviation and Ports shall pursue a reasonable funding  
1905 level or goal of projects to be financed through the issuance of special  
1906 transportation bonds for mass transit projects to be funded by the state  
1907 and under the Transportation Equity Act for the 21st Century. As of  
1908 July 1, 1996, a thirty per cent funding level or goal shall be deemed  
1909 reasonable, provided if a reasonable effort is made to reach such goal  
1910 or funding level, the department shall be in compliance with this  
1911 subsection.

1912 Sec. 63. Section 13b-79d of the general statutes is repealed and the  
1913 following is substituted in lieu thereof (*Effective January 1, 2010*):

1914 In the development and administration of any plan for individuals  
1915 to receive notification of significant highway or railway incidents, the  
1916 [Department of Transportation] implementing agency shall not  
1917 permanently retain or enter in a permanent database any personal  
1918 information including, but not limited to, the electronic mail address of  
1919 any person who receives information through the use of such plan.  
1920 Nothing in this section shall be construed to prohibit [the Department  
1921 of Transportation] such agency from entering the electronic mail  
1922 address of any person who wishes to receive such information in a  
1923 computer program used by the department solely for the purpose of  
1924 sending such person electronic mail that contains notification of a  
1925 significant highway or railway incident.

1926 Sec. 64. Section 13b-79o of the 2008 supplement to the general  
1927 statutes is repealed and the following is substituted in lieu thereof  
1928 (*Effective January 1, 2010*):

1929 As used in sections 13b-79o to 13b-79q, inclusive, of the 2008  
1930 supplement to the general statutes, section 13b-79s and section 24 of  
1931 public act 06-136\*:

1932 [(1) "Commissioner" means the Commissioner of Transportation;

- 1933       (2) "Department" means the Department of Transportation;
- 1934       (3) "Secretary" means the Secretary of the Office of Policy and  
1935 Management;
- 1936       (4) "Treasurer" means the Treasurer of the state of Connecticut;
- 1937       (5) "Transportation Strategy Board" means the board created by  
1938 section 13b-57e;]
- 1939       [(6)] (1) "New Haven Line" means the rail passenger service  
1940 operated between New Haven and intermediate points and Grand  
1941 Central Station, including the Danbury, Waterbury and New Canaan  
1942 branch lines;
- 1943       [(7)] (2) "Branch lines" means the Danbury, Waterbury and New  
1944 Canaan branches of the New Haven Line;
- 1945       [(8)] (3) "Shore Line East" means the rail service operating between  
1946 New Haven and New London;
- 1947       [(9)] (4) "Transit-oriented development" means the development of  
1948 residential, commercial and employment centers within one-half mile  
1949 or walking distance of public transportation facilities, including rail  
1950 and bus rapid transit and services, that meet transit supportive  
1951 standards for land uses, built environment densities and walkable  
1952 environments, in order to facilitate and encourage the use of those  
1953 services; and
- 1954       [(10)] (5) "Transportation improvement project" means  
1955 improvements to the state's transportation system, including, but not  
1956 limited to, (A) projects included in the state-wide transportation  
1957 improvement program, (B) projects included in regional transportation  
1958 improvement plans, and (C) projects identified in section 13b-57h.
- 1959       Sec. 65. Section 13b-79p of the 2008 supplement to the general  
1960 statutes is repealed and the following is substituted in lieu thereof

1961     *(Effective January 1, 2010):*

1962         (a) The Commissioner of Public Transportation, Aviation and Ports  
1963     shall implement the following strategic transportation projects and  
1964     initiatives:

1965         (1) Restoring commuter rail service on the New Haven-Hartford-  
1966     Springfield line, including providing shuttle bus service between the  
1967     rail line and Bradley International Airport;

1968         (2) Implementing the New Britain-Hartford busway, subject to the  
1969     availability of federal funds;

1970         (3) Rehabilitating rail passenger coaches for use on Shore Line East,  
1971     the New Haven-Hartford-Springfield line and the branch lines;

1972         (4) Developing a new commuter rail station in West Haven;

1973         (5) Meeting the costs of capital improvements on the branch lines,  
1974     not to exceed forty-five million dollars;

1975         (6) Meeting the capital costs of parking and rail station  
1976     improvements on the New Haven Line, Shore Line East and the  
1977     branch lines, not to exceed sixty million dollars;

1978         (7) Funding the local share of the Southeast Area Transit federal  
1979     pilot project;

1980         (8) Completing the Norwich Intermodal Transit Hub Roadway  
1981     improvements;

1982         (9) Conducting environmental planning and assessment for the  
1983     expansion of Interstate 95 between Branford and the Rhode Island  
1984     border;

1985         (10) Completing preliminary design and engineering for Interstate  
1986     84 widening between Waterbury and Danbury;



1987       (11) Funding the Commercial Vehicle Information System Network,  
1988 including weigh-in motion and electronic preclearance of safe truck  
1989 operators for fixed scale operations on Interstate 91 and Interstate 95,  
1990 not to exceed four million dollars;

1991       (12) Funding the capital costs of the greater Hartford highway  
1992 infrastructure improvements in support of economic development;

1993       (13) Completing a rail link to the port of New Haven;

1994       (14) Purchasing not more than thirty-eight electric rail cars for use  
1995 on the New Haven Line and Shore Line East commuter rail services;

1996       (15) Purchasing of equipment and facilities to support Shore Line  
1997 East commuter rail expansion, including implementation of phases I  
1998 and II, as recommended in the report submitted pursuant to  
1999 subsection (d) of this section;

2000       (16) Improving bicycle access to and storage facilities at  
2001 transportation centers;

2002       (17) Developing a new commuter rail station in Orange;

2003       (18) Funding the Waterbury Intermodal Transportation Center, not  
2004 to exceed eighteen million dollars;

2005       (19) Improving bus connectivity and service, not to exceed twenty  
2006 million dollars for capital costs for the fiscal year ending June 30, 2008.  
2007 The funds shall be used to (A) construct bus maintenance and storage  
2008 facilities for the Windham and Torrington regional transit districts, not  
2009 to exceed fourteen million dollars, (B) purchase and install clean diesel  
2010 bus retrofits, not to exceed five million dollars, and (C) purchase  
2011 vehicles for elderly and disabled demand responsive transportation  
2012 programs for use by municipalities that participate in the state  
2013 matching grant program established under section 13b-38bb, not to  
2014 exceed one million dollars;

2015 (20) Funding the state share of Tweed Airport's runway safety area,  
2016 not to exceed one million fifty-five thousand dollars; and

2017 (21) Evaluating the purchase of rolling stock for direct commuter  
2018 rail service connecting Connecticut to New Jersey via Pennsylvania  
2019 Station in New York, New York by the initiation of ongoing formal  
2020 discussions by the state of Connecticut, acting through the Governor or  
2021 the Governor's designee, with the states of New York and New Jersey  
2022 and the Metropolitan Transportation Authority and Amtrak regarding  
2023 the extension of rail service from Pennsylvania Station to points in this  
2024 state.

2025 (b) The [commissioner] Commissioner of Public Transportation,  
2026 Aviation and Ports shall evaluate and plan the implementation of the  
2027 following projects:

2028 [(1) Improving Routes 2 and 2A in the towns of Preston, North  
2029 Stonington and Montville, including conducting the first phase of a  
2030 study examining construction of a Route 2A bypass alternative that  
2031 would begin in Preston, proceed in a northerly direction toward  
2032 downtown Norwich, and end at Route 2 in Preston. The first phase of  
2033 the study shall include, but need not be limited to, an analysis of the  
2034 feasibility, local economic impact and cost of constructing that portion  
2035 of the bypass alternative that would pass through the Hinkley Hill  
2036 area of Norwich. The first phase of the study shall be conducted by an  
2037 independent entity pursuant to a contract with the Department of  
2038 Transportation, the value of which shall not exceed three hundred  
2039 thousand dollars. The results of the first phase of the study shall be  
2040 submitted not later than September 30, 2008, to said department and  
2041 the joint standing committee having cognizance of matters relating to  
2042 transportation;

2043 (2) Upgrading the Pequot Bridge in Montville;]

2044 [(3)] (1) Evaluating rail links to other ports;

2045        [(4)] (2) Supporting and encouraging the dredging of the state's  
2046        commercial ports; and

2047        [(5)] (3) Developing a second rail passenger station between New  
2048        Haven and Milford. [;]

2049        [(6) Expanding Route 9; and

2050        (7) Completing the Day Hill Corridor environmental assessment  
2051        study, not to exceed five hundred thousand dollars.]

2052        (c) The Commissioner of Highways shall evaluate and plan the  
2053        implementation of the following projects:

2054        (1) Improving Routes 2 and 2A in the towns of Preston, North  
2055        Stonington and Montville, including conducting the first phase of a  
2056        study examining construction of a Route 2A bypass alternative that  
2057        would begin in Preston, proceed in a northerly direction toward  
2058        downtown Norwich and end at Route 2 in Preston. The first phase of  
2059        the study shall include, but need not be limited to, an analysis of the  
2060        feasibility, local economic impact and cost of constructing that portion  
2061        of the bypass alternative that would pass through the Hinkley Hill  
2062        area of Norwich. The first phase of the study shall be conducted by an  
2063        independent entity pursuant to a contract with the Department of  
2064        Public Transportation, Aviation and Ports, the value of which shall not  
2065        exceed three hundred thousand dollars. The results of the first phase of  
2066        the study shall be submitted not later than September 30, 2008, to said  
2067        department and the joint standing committee of the General Assembly  
2068        having cognizance of matters relating to transportation;

2069        (2) Upgrading the Pequot Bridge in Montville; and

2070        (3) Expanding Route 9.

2071        [(c)] (d) The [commissioner] commissioners shall, in consultation  
2072        with the board, recommend the implementation of additional  
2073        transportation improvement projects. Upon the approval of the

2074 Governor and allocation by the State Bond Commission, the proceeds  
2075 of bonds issued pursuant to section 13b-79q may be used to support  
2076 such projects.

2077 [(d)] (e) The [commissioner] Commissioner of Public  
2078 Transportation, Aviation and Ports shall identify obstacles to  
2079 improved rail service on Shore Line East, including, but not limited to,  
2080 increased frequency of service, reverse commute service and weekend  
2081 service. The commissioner shall report his findings and  
2082 recommendations to the General Assembly not later than January 1,  
2083 2007.

2084 [(e)] (f) The [commissioner] commissioners shall ensure that the  
2085 state's transportation plans, including, but not limited to, the master  
2086 transportation plan, are consistent with the strategy adopted pursuant  
2087 to section 13b-57g of the 2008 supplement to the general statutes.

2088 [(f)] (g) The rail station and parking initiative identified in  
2089 subsection (a) of this section shall include at least four Shore Line East  
2090 stations east of New Haven.

2091 [(g)] (h) The [commissioner is] commissioners are authorized to  
2092 enter into grant and cost-sharing agreements with local governments,  
2093 transit districts, regional planning agencies and councils of  
2094 governments in connection with the implementation of projects  
2095 funded pursuant to subsections (a) and (c) of this section.

2096 [(h)] (i) If, within two years of July 1, 2006, the Department of Public  
2097 Transportation, Aviation and Ports is unable to implement the  
2098 intermodal connection between port and rail facilities at the port of  
2099 New Haven pursuant to subdivision (13) of subsection (a) of this  
2100 section, the commissioner shall submit a report, pursuant to section 11-  
2101 4a, to the joint standing committees of the General Assembly having  
2102 cognizance of matters relating to transportation and finance, revenue  
2103 and bonding. Such report shall describe (1) the reasons the connection  
2104 cannot be completed, and (2) alternative ways to facilitate intermodal

2105 shipping at the port.

2106 Sec. 66. Section 13b-79s of the general statutes is repealed and the  
2107 following is substituted in lieu thereof (*Effective January 1, 2010*):

2108 The Secretary of the Office of Policy and Management shall (1) in  
2109 consultation with the Commissioners of Highways, Public  
2110 Transportation, Aviation and Ports, Economic and Community  
2111 Development and Environmental Protection, ensure the coordination  
2112 of state and regional transportation planning with other state planning  
2113 efforts, including, but not limited to, economic development and  
2114 housing plans; (2) coordinate interagency policy and initiatives  
2115 concerning transportation; (3) in consultation with the [Commissioner]  
2116 Commissioners of Highways and Public Transportation, Aviation and  
2117 Ports, evaluate transportation initiatives and proposed expenditures;  
2118 and (4) coordinate staff and consultant services for the Transportation  
2119 Strategy Board.

2120 Sec. 67. Section 13b-79u of the general statutes is repealed and the  
2121 following is substituted in lieu thereof (*Effective January 1, 2010*):

2122 (a) The Commissioner of Public Transportation, Aviation and Ports  
2123 is authorized and directed, in consultation with the Secretary of the  
2124 Office of Policy and Management and with the approval of the  
2125 Governor, to enter into any agreements with the National Rail  
2126 Passenger Corporation or its successor in interest that are necessary for  
2127 the operation of rail passenger service on the New Haven-Hartford-  
2128 Springfield rail line.

2129 (b) The commissioner is authorized and directed, in consultation  
2130 with the secretary and with approval of the Governor, to enter into any  
2131 agreements with the commonwealth of Massachusetts or any entity  
2132 authorized to act on its behalf that are necessary for the state's  
2133 participation in the provision of rail passenger service on the New  
2134 Haven-Hartford-Springfield rail line.

2135 (c) The commissioner is authorized and directed, in consultation  
2136 with the secretary and with the approval of the Governor, to select  
2137 through a competitive process and contract with an operator or  
2138 operators for rail service on the New Haven-Hartford-Springfield rail  
2139 line.

2140 Sec. 68. Section 13b-79z of the general statutes is repealed and the  
2141 following is substituted in lieu thereof (*Effective January 1, 2010*):

2142 (a) On or before December 1, 2007, and annually thereafter, the  
2143 Secretary of the Office of Policy and Management, after consultation  
2144 with the Commissioner of Highways, the Commissioner of Public  
2145 Transportation, Aviation and Ports and the board, shall submit a  
2146 report to the Governor and to the General Assembly on the  
2147 implementation status of the projects funded under subsection (a) of  
2148 section 3-20a of the 2008 supplement to the general statutes, subsection  
2149 (c) of section 4-66c of the 2008 supplement to the general statutes,  
2150 subdivision (4) of subsection (a) of section 13b-57d, sections 13b-57e  
2151 and 13b-57g of the 2008 supplement to the general statutes, subsection  
2152 (a) of section 13b-57j, subsection (b) of section 13b-57l, section 13b-61a  
2153 of the 2008 supplement to the general statutes, subdivision (3) of  
2154 section 13b-78k, section 13b-78n, subsection (a) of section 13b-78p of  
2155 the 2008 supplement to the general statutes, sections 13b-79o to 13b-  
2156 79z, inclusive, of the 2008 supplement to the general statutes or 32-6k,  
2157 sections 19, 24, 25 or 33 to 35, inclusive, of public act 06-136\* or special  
2158 act 05-4 of the June special session. Such report shall include the status,  
2159 including the financial status, of each project, the project schedules and  
2160 anticipated completion dates, an explanation of any obstacles to  
2161 completing such projects and any planned revisions to such projects.

2162 (b) During the month of December of each year, the joint standing  
2163 committees of the General Assembly having cognizance of matters  
2164 relating to transportation, finance, revenue and bonding and planning  
2165 and development shall meet with the Commissioners of Highways,  
2166 Public Transportation, Aviation and Ports and Economic and

2167 Community Development and the Secretary of the Office of Policy and  
2168 Management and such other persons as they deem appropriate to  
2169 consider the report required by subsection (a) of this section.

2170 Sec. 69. Section 13b-79kk of the 2008 supplement to the general  
2171 statutes is repealed and the following is substituted in lieu thereof  
2172 (*Effective January 1, 2010*):

2173 (a) As used in this section:

2174 (1) "Commissioner" means the Commissioner of Public  
2175 Transportation, Aviation and Ports;

2176 (2) "Secretary" means the Secretary of the Office of Policy and  
2177 Management;

2178 (3) "Public transportation facilities" means rail, busway and bus  
2179 stations and associated improvements, including, but not limited to,  
2180 parking;

2181 (4) "Transit-oriented development" means the development of  
2182 residential, commercial and employment centers within one-half mile  
2183 or walking distance of public transportation facilities, including rail  
2184 and bus rapid transit and services, that meet transit supportive  
2185 standards for land uses, built environment densities and walkable  
2186 environments, in order to facilitate and encourage the use of those  
2187 services.

2188 (b) Subject to the availability of funds, the commissioner may, with  
2189 the approval of the secretary, participate in transit-oriented  
2190 development projects to the extent that such projects result in the  
2191 development or improvement of public transportation facilities. When  
2192 the state solicits transit-oriented development proposals, the  
2193 commissioner shall select the developer or developers through an  
2194 open, competitive process. The commissioner may, with the approval  
2195 of the secretary, waive competitive selection when (1) the developer is  
2196 an abutting land owner; (2) such land owner's property is essential to

2197 the project; and (3) the commissioner makes an express finding that  
2198 (A) the cost to the state of any property transaction or provision of  
2199 services does not exceed the fair market value of the property or  
2200 services, and (B) the waiver is in the best interest of the state.

2201 (c) No lease, sale or purchase of state land or facilities in connection  
2202 with a project undertaken pursuant to the provisions of this section  
2203 shall be valid without the approval of the Properties Review Board.

2204 (d) The provisions of sections 3-14b, 4b-21 of the 2008 supplement to  
2205 the general statutes and 13b-20b to 13b-20n, inclusive, shall not apply  
2206 to a project undertaken pursuant to the provisions of this section.

2207 Sec. 70. Section 13b-79*ll* of the 2008 supplement to the general  
2208 statutes is repealed and the following is substituted in lieu thereof  
2209 (*Effective January 1, 2010*):

2210 (a) For the purposes described in subsection (b) of this section, the  
2211 State Bond Commission shall have the power, from time to time, to  
2212 authorize the issuance of bonds of the state in one or more series and  
2213 in principal amounts not exceeding in the aggregate five million  
2214 dollars.

2215 (b) The proceeds of the sale of said bonds, to the extent of the  
2216 amount stated in subsection (a) of this section, shall be used by the  
2217 Department of Public Transportation, Aviation and Ports for the  
2218 purpose of establishing a transit-oriented development pilot program.

2219 (c) The following projects have been designated as transit-oriented  
2220 development pilot projects:

2221 (1) Station area development in all towns on the New Britain to  
2222 Hartford busway corridor;

2223 (2) Station area development in Windsor and Meriden on the New  
2224 Haven to Springfield rail line;



2225 (3) Station area development on the New Haven rail line from West  
2226 Haven to Stratford; and

2227 (4) Station area development in New London on the Shore Line East  
2228 rail line.

2229 (d) (1) Projects meeting the following criteria may also be  
2230 designated as transit-oriented development pilot projects:

2231 (A) A strategic transportation project, as identified in section 13b-  
2232 79p of the 2008 supplement to the general statutes;

2233 (B) Projects which are substantially funded by state, local or federal  
2234 governments; and

2235 (C) Projects where substantial planning is either underway or  
2236 completed.

2237 (2) In addition to meeting the criteria described in subdivision (1) of  
2238 this subsection, designated projects shall qualify for transit-oriented  
2239 development pilot program funding of not less than two hundred fifty  
2240 thousand dollars and not more than one million dollars each when  
2241 participating towns conclude a memorandum of understanding  
2242 involving one or more regional planning agencies.

2243 (e) As used in this section, any memorandum of understanding  
2244 shall include:

2245 (1) A work plan;

2246 (2) A budget;

2247 (3) Anticipated work products;

2248 (4) Geographically defined transit-oriented development zones;

2249 (5) A time frame for completion;

2250 (6) The identity of the administering entity of the grant; and

2251 (7) The identity of the participating municipalities and regional  
2252 planning agencies.

2253 (f) As used in this section, any memorandum of understanding shall  
2254 propose to complete one or more of the following:

2255 (1) A transit-oriented development plan or station area plan of  
2256 development;

2257 (2) Development or adoption of a transit-oriented development  
2258 overlay zone;

2259 (3) Selection of a preferred development approach;

2260 (4) Implementation of a transit-oriented development plan;

2261 (5) Market assessment for transit-oriented development plan  
2262 implementation;

2263 (6) Financial assessment and planning related to transit-oriented  
2264 development plan implementation;

2265 (7) Preparation of detailed plans for environmental and brownfield  
2266 remediation, if required; or

2267 (8) Preparation of development or joint development agreements.

2268 (g) A transit-oriented development planning grant program is  
2269 established. Planning grants shall be available for (1) completion of a  
2270 transit-oriented development plan or station area plan of development,  
2271 (2) development or adoption of a transit-oriented development overlay  
2272 zone, or (3) preparation of a development strategy and selection of a  
2273 preferred development approach. Planning activities shall be limited  
2274 to areas within one-half mile of any transit station.

2275 (h) A transit-oriented development facilitation grant program is  
2276 established. Facilitation grants shall be available for transit-oriented  
2277 development qualifying projects that have completed one or more of

2278 the following: (1) A transit-oriented development plan or station area  
2279 plan of development, (2) development or adoption of a transit-oriented  
2280 development overlay zone, or (3) preparation of a development  
2281 strategy and selection of a preferred development approach.  
2282 Facilitation activities shall be limited to areas within one-half mile of  
2283 any transit station.

2284 (i) Transit-oriented development facilitation grants may be used for,  
2285 but are not limited to, one or more of the following:

2286 (1) Implementation of a transit-oriented development plan and  
2287 overlay zone;

2288 (2) Market analysis to determine the economic viability of a project;

2289 (3) Financial planning;

2290 (4) Analysis of the economic benefits, revenue or expense  
2291 projections of a project;

2292 (5) Preparation of environmental assessments and plans for  
2293 brownfield remediation;

2294 (6) Preparation of infrastructure studies and surveys;

2295 (7) Preparation of requests for development proposals; or

2296 (8) Preparation of development or joint development agreements.

2297 (j) Memoranda of understanding, as used in this section, shall be  
2298 submitted to the Office of Policy and Management for approval, and  
2299 shall be reviewed for compliance by said office not later than sixty  
2300 days after submission. The Office of Policy and Management shall  
2301 inform the applicant of any deficiency in such memorandum of  
2302 understanding and shall provide the applicant with another  
2303 opportunity to apply. The Office of Policy and Management shall  
2304 monitor the pilot program grants for compliance with the proposed  
2305 memorandum of understanding and may assist any pilot program in

2306     securing funding or investments for such program.

2307         (k) All provisions of section 3-20, or the exercise of any right or  
2308     power granted thereby, which are not inconsistent with the provisions  
2309     of this section are hereby adopted and shall apply to all bonds  
2310     authorized by the State Bond Commission pursuant to this section, and  
2311     temporary notes in anticipation of the money to be derived from the  
2312     sale of any such bonds so authorized may be issued in accordance with  
2313     said section 3-20 and from time to time renewed. Such bonds shall  
2314     mature at such time or times not exceeding twenty years from their  
2315     respective dates as may be provided in or pursuant to the resolution or  
2316     resolutions of the State Bond Commission authorizing such bonds.  
2317     None of said bonds shall be authorized except upon a finding by the  
2318     State Bond Commission that there has been filed with it a request for  
2319     such authorization which is signed by or on behalf of the Secretary of  
2320     the Office of Policy and Management and states such terms and  
2321     conditions as said commission, in its discretion, may require. Said  
2322     bonds issued pursuant to this section shall be general obligations of the  
2323     state and the full faith and credit of the state of Connecticut are  
2324     pledged for the payment of the principal of and interest on said bonds  
2325     as the same become due, and accordingly and as part of the contract of  
2326     the state with the holders of said bonds, appropriation of all amounts  
2327     necessary for punctual payment of such principal and interest is  
2328     hereby made, and the State Treasurer shall pay such principal and  
2329     interest as the same become due.

2330         Sec. 71. Section 13b-81 of the general statutes is repealed and the  
2331     following is substituted in lieu thereof (*Effective January 1, 2010*):

2332         The Department of Public Transportation, Aviation and Ports may  
2333     issue to an applicant for authority to operate motor bus service,  
2334     temporary authority to operate such service, pending disposition of his  
2335     application by the department, but such temporary authority shall not  
2336     extend over a period of more than one hundred eighty days.

2337         Sec. 72. Section 13b-86 of the general statutes is repealed and the

2338 following is substituted in lieu thereof (*Effective January 1, 2010*):

2339 Each person, association, limited liability company or corporation  
2340 owning or operating a motor bus is declared to be a common carrier  
2341 and subject as such to the jurisdiction of the Department of Public  
2342 Transportation, Aviation and Ports and, while so operating, to such  
2343 reasonable rules and regulations as said department may prescribe  
2344 with respect to routes, fares, speed, schedules, continuity of service  
2345 and the convenience and safety of passengers and the public.

2346 Sec. 73. Section 13b-87 of the general statutes is repealed and the  
2347 following is substituted in lieu thereof (*Effective January 1, 2010*):

2348 The Department of Public Transportation, Aviation and Ports may  
2349 enter into reciprocal agreements with the regulatory authority or other  
2350 appropriate official of any other state, district or country concerning  
2351 the equipment, marking and inspection of public service motor bus or  
2352 common carriers of passengers for compliance with standards of safety  
2353 in operations.

2354 Sec. 74. Section 13b-88 of the general statutes is repealed and the  
2355 following is substituted in lieu thereof (*Effective January 1, 2010*):

2356 Each person, association, limited liability company or corporation  
2357 owning or operating a motor bus over highways within this state  
2358 between points outside of this state or between points within this state  
2359 and points outside of this state shall be subject to the jurisdiction of the  
2360 Department of Public Transportation, Aviation and Ports and, while so  
2361 operating, to such reasonable regulations as said department may  
2362 prescribe with respect to routes and terminals in this state, speed of  
2363 operation, safety of passengers, equipment, public safety and  
2364 convenience on the highways and conservation of the highways.

2365 Sec. 75. Section 13b-89 of the general statutes is repealed and the  
2366 following is substituted in lieu thereof (*Effective January 1, 2010*):

2367 (a) No person, association, limited liability company or corporation

2368 shall operate a motor bus over highways within this state between  
2369 points outside this state or between points within this state and points  
2370 outside this state and indiscriminately receive or discharge passengers  
2371 without having obtained a permit from the Department of Public  
2372 Transportation, Aviation and Ports to be issued upon written  
2373 application to said department specifying the route or routes within  
2374 this state over which such motor bus may operate and the terminals  
2375 within this state. Permits may be issued without hearing in the  
2376 discretion of said department. Any permit issued pursuant to this  
2377 section by the Division of Public Utility Control within the Department  
2378 of Business Regulation prior to October 1, 1979, shall remain valid  
2379 unless suspended or revoked by the Department of Public  
2380 Transportation, Aviation and Ports.

2381 (b) The Department of Public Transportation, Aviation and Ports  
2382 may amend or, for sufficient cause shown, may suspend or revoke any  
2383 such permit. The department may impose a civil penalty on any  
2384 person or any officer of any association, limited liability company or  
2385 corporation who violates any provision of any regulation adopted  
2386 under section 13b-88 with respect to routes and terminals in this state,  
2387 speed of operation, safety of passengers, equipment, public safety and  
2388 convenience on the highways or conservation of the highways, in an  
2389 amount not to exceed one hundred dollars per day for each violation.

2390 (c) A holder of such permit shall not operate a motor bus in the  
2391 transportation of passengers for hire between points within this state  
2392 without securing from (1) the Department of Public Transportation,  
2393 Aviation and Ports a certificate of public convenience and necessity in  
2394 accordance with the provisions of sections 13b-80 to 13b-85, inclusive,  
2395 or (2) the Federal Highway Administration a certificate pursuant to the  
2396 Bus Regulatory Reform Act of 1982, P.L. 97-261.

2397 (d) Upon the granting of a permit, the holder of such permit may  
2398 apply for the registration of any motor bus of which such holder is the  
2399 owner or lessee and which is to be used as specified in such permit.

2400 The Commissioner of Motor Vehicles shall have jurisdiction over the  
2401 registration of any such motor bus, its exterior lighting equipment and  
2402 the licensing of its operator.

2403 Sec. 76. Section 13b-89a of the 2008 supplement to the general  
2404 statutes is repealed and the following is substituted in lieu thereof  
2405 (*Effective January 1, 2010*):

2406 The recipient of a permit pursuant to section 13b-89, who owns or  
2407 operates a motor bus, as defined in subdivision (47) of section 14-1 of  
2408 the 2008 supplement to the general statutes, which has an upper and  
2409 lower deck, may register such motor bus in this state, provided such  
2410 motor bus complies with manufacturing and safety standards for  
2411 motor buses established under federal statutes and regulations. The  
2412 Commissioner of Public Transportation, Aviation and Ports shall  
2413 adopt regulations in accordance with this section.

2414 Sec. 77. Section 13b-91 of the general statutes is repealed and the  
2415 following is substituted in lieu thereof (*Effective January 1, 2010*):

2416 The Department of Public Transportation, Aviation and Ports may  
2417 hold such hearings and issue such permits as may be required in  
2418 carrying out the provisions of sections 13b-88 and 13b-89.

2419 Sec. 78. Section 13b-92 of the general statutes is repealed and the  
2420 following is substituted in lieu thereof (*Effective January 1, 2010*):

2421 The Department of Public Transportation, Aviation and Ports,  
2422 upon written application of any person authorized by the United  
2423 States government to carry mail by motor vehicle, or of any person  
2424 desiring to carry passengers for hire to and from any rural section  
2425 where there is no other agency of public transportation of passengers,  
2426 may authorize such applicant to transport passengers for hire in such  
2427 motor vehicle over a prescribed route if, in the opinion of the  
2428 department, public convenience and necessity require the same. The  
2429 department shall also determine the registration fee, if any, to be

2430 charged such applicant and shall forward to the Commissioner of  
2431 Motor Vehicles a certified copy of its findings concerning the  
2432 requirements of public convenience and necessity and the registration  
2433 fee, and, thereupon, said commissioner may register such vehicle for  
2434 such service. The department may, at any time, amend or revoke any  
2435 such authorization. Any such authorization issued by the Division of  
2436 Public Utility Control within the Department of Business Regulation  
2437 prior to October 1, 1979, shall remain valid unless revoked by the  
2438 Department of Transportation. Said department may make rules,  
2439 regulations and orders relating to such passenger service and fixing  
2440 rates and schedules therefor, provided such rules, regulations and  
2441 orders shall not be inconsistent with federal regulations pertaining to  
2442 carriers of United States mail.

2443 Sec. 79. Section 13b-93 of the general statutes is repealed and the  
2444 following is substituted in lieu thereof (*Effective January 1, 2010*):

2445 Any motor bus company which wishes to adopt a new schedule of  
2446 operations or discontinue a service shall, not less than twenty days  
2447 prior to the effective date of such schedule, give notice thereof to the  
2448 Department of Public Transportation, Aviation and Ports and to the  
2449 chief executive officer of each municipality affected by such schedule.  
2450 Notice shall also be posted in each bus operated on the route affected  
2451 by such change and at each ticket agency serving such route and  
2452 published in a newspaper or newspapers having circulation in the  
2453 affected area not less than ten days prior to the effective date of such  
2454 schedule. No such schedule shall be effective until approved by the  
2455 Department of Public Transportation, Aviation and Ports.

2456 Sec. 80. Section 13b-94a of the general statutes is repealed and the  
2457 following is substituted in lieu thereof (*Effective January 1, 2010*):

2458 No person, association, limited liability company or corporation  
2459 shall operate a motor vehicle in charter bus transportation, pursuant to  
2460 Public Law 105-178 until such person, association, limited liability  
2461 company or corporation has obtained a permit from the Commissioner



2462 of Public Transportation, Aviation and Ports. An application for a  
2463 permit shall be filed with the commissioner, in such form as the  
2464 commissioner may prescribe, along with a fee of two hundred dollars.  
2465 A hearing shall not be required for obtaining said permit.

2466 Sec. 81. Section 13b-96 of the general statutes is repealed and the  
2467 following is substituted in lieu thereof (*Effective January 1, 2010*):

2468 (a) Each person, association, limited liability company or  
2469 corporation owning or operating a taxicab is declared a common  
2470 carrier and subject to the jurisdiction of the Department of Public  
2471 Transportation, Aviation and Ports. The Commissioner of Public  
2472 Transportation, Aviation and Ports is authorized to prescribe adequate  
2473 service and reasonable rates and charges. The commissioner may  
2474 adopt regulations, in accordance with chapter 54 for the purpose of  
2475 establishing fares, service, operation and equipment as it deems  
2476 necessary for the convenience, protection and safety of passengers and  
2477 the public. Notwithstanding the provisions of this subsection and any  
2478 regulation adopted under this subsection relative to any wheel base  
2479 requirement, any sedan or station wagon type vehicle powered by a  
2480 clean alternative fuel and having a wheel base of not less than one  
2481 hundred two inches may be used to provide taxicab service.

2482 (b) The rates and charges established pursuant to subsection (a) of  
2483 this section shall not apply to any person, association, or corporation  
2484 (1) operating a taxicab engaged in the transportation of passengers for  
2485 hire pursuant to a contract with, or a lower tier contract for, any  
2486 federal, state or municipal agency, (2) certified pursuant to section 13b-  
2487 97 prior to May 22, 1998, and (3) registered pursuant to section 13b-99  
2488 prior to May 22, 1998.

2489 Sec. 82. Section 13b-97 of the general statutes is repealed and the  
2490 following is substituted in lieu thereof (*Effective January 1, 2010*):

2491 (a) No person, association, limited liability company or corporation  
2492 shall operate a taxicab until such person, association, limited liability

2493 company or corporation has obtained a certificate from the  
2494 Department of Public Transportation, Aviation and Ports certifying  
2495 that public convenience and necessity require the operation of a  
2496 taxicab or taxicabs for transportation of passengers, the acceptance or  
2497 solicitation of which originates within the territory specified in such  
2498 certificate except as provided under subsection (d) of this section. No  
2499 such certificate shall be issued unless the department finds that the  
2500 person, association, limited liability company or corporation is suitable  
2501 to operate a taxicab service, after giving due consideration to, at a  
2502 minimum, the following factors: (1) Any convictions of the applicant  
2503 under federal, state or local laws relative to safety, motor vehicle or  
2504 criminal violations; (2) the number of taxicabs to be operated under the  
2505 certificate; (3) the adequacy of the applicant's financial resources to  
2506 operate the taxicab service; (4) the adequacy of insurance coverage and  
2507 safety equipment; and (5) the availability of qualified taxicab  
2508 operators. The commissioner shall request the state criminal history  
2509 records check for any person or any officer of any association, limited  
2510 liability company or corporation applying for such certificate from the  
2511 State Police Bureau of Identification. The commissioner shall arrange  
2512 for the fingerprinting of any person or any officer of any association,  
2513 limited liability company or corporation applying for such certificate  
2514 and forward the fingerprints to said bureau which shall submit the  
2515 fingerprints to the Federal Bureau of Investigation for a national  
2516 criminal history records check for any federal conviction specified in  
2517 subdivision (1) of this subsection. A fee shall be charged by the  
2518 commissioner for each such national criminal history records check  
2519 which shall be equal to the fee charged by the Federal Bureau of  
2520 Investigation for performing such check. Such certificate shall be  
2521 issued only after written application, fingerprinting and said criminal  
2522 history records check for the same has been made and public hearing  
2523 held thereon. The application shall be accompanied by a fee of  
2524 eighty-eight dollars and the fee for said criminal history records check.  
2525 Upon receipt of such application, the department shall fix a time and  
2526 place of hearing thereon and shall promptly give written notice of the

2527 pendency of such application and of the time and place of hearing  
2528 thereon to such applicant, the mayor of each city, the warden of each  
2529 borough or the first selectman of each town in which the applicant  
2530 desires to originate the transportation of such passengers, and to any  
2531 common carrier operating within the territory specified.  
2532 Notwithstanding any provision of this subsection to the contrary, the  
2533 department may, upon receipt of a written application, amend an  
2534 existing certificate to increase the number of taxicabs which may be  
2535 operated pursuant to the certificate without holding a hearing on the  
2536 application, provided the department issues a legal notice of such  
2537 application in a daily newspaper in accordance with the provisions of  
2538 section 1-2, gives written notice of the pendency of such application to  
2539 any common carrier operating within the territory specified and no  
2540 objection is filed with the department within thirty days of each such  
2541 notice. With respect to any application filed under the provisions of  
2542 this subsection, the department shall not consider as a ground for  
2543 denial of a request for an increase in the number of taxicabs to be  
2544 operated within the territory specified, any number of taxicabs not  
2545 currently registered with the Commissioner of Motor Vehicles at the  
2546 time of filing of such application or at the time of any hearing held  
2547 thereon.

2548 (b) Any town, city or borough within which taxicab service is  
2549 operated or any interested party may bring a written petition to the  
2550 department with respect to fares, service, operation or equipment or  
2551 the convenience, protection and safety of passengers and the public.  
2552 Thereupon, the department may fix a time and place for a hearing  
2553 upon such petition, and give written notice thereof to the parties in  
2554 interest at least one week prior to such hearing.

2555 (c) No certificate shall be sold or transferred until the department,  
2556 upon written application to it setting forth the purpose, terms and  
2557 conditions thereof, and after investigation, finds that the purchaser or  
2558 transferee is suitable to operate a taxicab service after consideration of  
2559 the factors specified in subsection (a) of this section and approves the

2560 same. The application shall be accompanied by a fee of eighty-eight  
2561 dollars. The department may amend or, for sufficient cause shown,  
2562 may suspend or revoke any such certificate. The department may  
2563 impose a civil penalty on any person or any officer of any association,  
2564 limited liability company or corporation who violates any provision of  
2565 this chapter or any regulation adopted under section 13b-96 with  
2566 respect to fares, service, operation or equipment, in an amount not to  
2567 exceed one hundred dollars per day for each violation. Any such  
2568 certificate issued by the department shall remain valid unless  
2569 suspended or revoked by the department. Any such certificate issued  
2570 by the Division of Public Utility Control within the Department of  
2571 Business Regulation prior to October 1, 1979, or by any transit district  
2572 prior to March 1, 1997, shall remain valid unless suspended or revoked  
2573 by the Department of Transportation.

2574 (d) Any person, association, limited liability company or  
2575 corporation which has obtained a certificate under subsection (a) of  
2576 this section may solicit, receive and discharge taxicab passengers at  
2577 Bradley International Airport, subject to formal agreement with the  
2578 Commissioner of Public Transportation, Aviation and Ports provided  
2579 such agreement shall not take precedence over its obligation to provide  
2580 taxicab service within the territory specified in such certificate. Any  
2581 such person, association, limited liability company or corporation may  
2582 discharge taxicab passengers received at such airport within a territory  
2583 other than the territory specified in its certificate. The commissioner  
2584 may charge and collect a reasonable fee from any such person,  
2585 association, limited liability company or corporation for the privilege  
2586 of solicitation of such passengers.

2587 Sec. 83. Section 13b-97a of the general statutes is repealed and the  
2588 following is substituted in lieu thereof (*Effective January 1, 2010*):

2589 (a) The Department of Public Transportation, Aviation and Ports  
2590 may, without hearing, issue to an applicant for authority to operate  
2591 taxicab service, temporary authority to operate such service, pending

2592 hearing upon his application and disposition thereof by the  
2593 department, but such temporary authority shall not extend over a  
2594 period of more than one hundred eighty consecutive days.

2595 (b) The Department of Public Transportation, Aviation and Ports  
2596 may, in an emergency situation and without hearing, issue to any  
2597 person, association, limited liability company or corporation which  
2598 holds a certificate of public convenience and necessity issued under the  
2599 provisions of section 13b-97, temporary authority to operate such  
2600 service within or outside the territory specified in such certificate,  
2601 pending resolution of such emergency, but such temporary authority  
2602 shall not extend over a period of more than one hundred eighty  
2603 consecutive days.

2604 Sec. 84. Section 13b-101 of the general statutes is repealed and the  
2605 following is substituted in lieu thereof (*Effective January 1, 2010*):

2606 The term "motor vehicle in livery service" includes every motor  
2607 vehicle used by any person, association, limited liability company or  
2608 corporation which represents itself to be in the business of transporting  
2609 passengers for hire, except (1) any motor bus and any taxicab operated  
2610 under a certificate of public convenience and necessity issued by the  
2611 Department of Public Transportation, Aviation and Ports, (2) any  
2612 school bus, as defined in section 14-275 of the 2008 supplement to the  
2613 general statutes, or student transportation vehicle, as defined in section  
2614 14-212, when used for the transportation of children under the age of  
2615 twenty-one years, and (3) any school bus, as defined in section 14-275  
2616 of the 2008 supplement to the general statutes, when used for the  
2617 transportation of passengers (A) by virtue of a contract with any public  
2618 or private institution of higher education, (B) pursuant to a contract for  
2619 service to a special event held at a location or facility which is not open  
2620 for business on a daily basis throughout the year, not to exceed a  
2621 period of ten days, or (C) pursuant to a contract with a municipality  
2622 for which the carrier provides school transportation service.

2623 Sec. 85. Section 13b-102 of the general statutes is repealed and the

2624 following is substituted in lieu thereof (*Effective January 1, 2010*):

2625 (a) (1) Each person, association, limited liability company or  
2626 corporation owning or operating a motor vehicle in livery service shall  
2627 be subject to the jurisdiction of the Department of Public  
2628 Transportation, Aviation and Ports, and the department may prescribe  
2629 adequate service and reasonable rates and charges and prescribe and  
2630 establish such reasonable regulations with respect to fares, service,  
2631 operation and equipment as it deems necessary for the convenience,  
2632 protection, safety and best interests of passengers and the public. (2)  
2633 Notwithstanding the provisions of subdivision (1) of this subsection  
2634 with respect to reasonable rates and charges, each person, association,  
2635 limited liability company or corporation operating a motor vehicle in  
2636 livery service having a seating capacity of ten or more adults shall file  
2637 a schedule of reasonable maximum rates and charges with the  
2638 Department of Public Transportation, Aviation and Ports. The  
2639 provisions of subdivision (1) of this subsection with respect to rates  
2640 and charges shall not apply to any person, association, limited liability  
2641 company or corporation operating a motor vehicle engaged in the  
2642 transportation of passengers for hire by virtue of a contract with, or a  
2643 lower tier contract for, any federal, state or municipal agency.

2644 (b) Each person, association, limited liability company or  
2645 corporation operating a motor vehicle by virtue of authorization issued  
2646 by the Federal Highway Administration for charter and special  
2647 operation shall register such authorization for interstate operation with  
2648 the Department of Public Transportation, Aviation and Ports if such  
2649 person, association, limited liability company or corporation maintains  
2650 a domicile or principal office in the state.

2651 Sec. 86. Section 13b-103 of the general statutes is repealed and the  
2652 following is substituted in lieu thereof (*Effective January 1, 2010*):

2653 (a)(1) No person, association, limited liability company or  
2654 corporation shall operate a motor vehicle in livery service until such  
2655 person, association, limited liability company or corporation has

2656 obtained a permit from the Department of Public Transportation,  
2657 Aviation and Ports, specifying the nature and extent of the service to  
2658 be rendered and certifying that public convenience and necessity will  
2659 be improved by the operation and conduct of such livery service. Such  
2660 permits shall be issued only after a written application for the same  
2661 has been made and a public hearing has been held thereon. Upon  
2662 receipt of such application, together with the payment of a fee of two  
2663 hundred dollars, the department shall fix a time and place of hearing  
2664 thereon, within a reasonable time, and shall promptly give written  
2665 notice of the pendency of such application and of the time and place of  
2666 such hearing to each applicant, the mayor of each city, the warden of  
2667 each borough and the first selectman of each town, within which any  
2668 such applicant desires to maintain an office or headquarters, to any  
2669 carrier legally operating motor vehicles in livery service within the  
2670 same territory and to other interested parties as determined by the  
2671 department. (2) Notwithstanding the provisions of subdivision (1) of  
2672 this subsection, the department may issue a permit for the operation of  
2673 vehicles (A) having a capacity of less than eleven adults or to be used  
2674 exclusively at funerals, weddings, christenings, processions or  
2675 celebrations, without holding a hearing and certifying that public  
2676 convenience and necessity would be improved by the operation of  
2677 such vehicles, or (B) having a capacity of not less than eleven or more  
2678 than fourteen adults and used for sightseeing and related purposes,  
2679 without holding a hearing, provided the department issues a legal  
2680 notice, as provided under section 1-2, of such application and no  
2681 objection is filed with the department within thirty days of publication  
2682 of such notice. (3) Notwithstanding the provisions of subdivision (1) of  
2683 this subsection, the department may issue a temporary or permanent  
2684 permit to any person, association, limited liability company or  
2685 corporation operating a motor vehicle engaged in the transportation of  
2686 passengers for hire by virtue of a contract with, or a lower tier contract  
2687 for, any federal, state or municipal agency that (A) is in effect on July 1,  
2688 1997, with or without hearing, after a written application for the same  
2689 has been made and the department has determined that the applicant

2690 meets the requirements of subsection (b) of this section except with  
2691 respect to public convenience and necessity, or (B) becomes effective  
2692 after July 1, 1997, with or without hearing, after a written application  
2693 for the same has been made and the department has determined that  
2694 the applicant meets the requirements of subsection (b) of this section.  
2695 Any such permit issued under the provisions of this subdivision (i)  
2696 shall be limited to service provided under any such contract, and (ii)  
2697 with respect to any contract under the provisions of subparagraph (A)  
2698 of this subdivision, shall not authorize a total number of motor  
2699 vehicles exceeding the number required to provide service existing  
2700 under such contract on July 1, 1997. (4) Notwithstanding the  
2701 provisions of subdivision (1) of this subsection, the department shall  
2702 issue to any person who has an intrastate livery permit for at least one  
2703 year, upon the application of such person, up to two additional vehicle  
2704 authorizations each year without a hearing and without written notice  
2705 of the pendency of the application, if all the existing permits held by  
2706 such person are registered and in use and if there are no outstanding  
2707 violations or matters pending adjudication against such person. The  
2708 department shall have thirty calendar days to issue such amended  
2709 permit.

2710 (b) In determining whether or not such a permit will be granted, the  
2711 Department of Public Transportation, Aviation and Ports shall take  
2712 into consideration the present or future public convenience and  
2713 necessity for the service the applicant proposes to render, the  
2714 suitability of the applicant or the suitability of the management if the  
2715 applicant is a limited liability company or corporation, the financial  
2716 responsibility of the applicant, the ability of the applicant efficiently  
2717 and properly to perform the service for which authority is requested  
2718 and the fitness, willingness and ability of the applicant to conform to  
2719 the provisions of this chapter and the requirements and regulations of  
2720 the department under this chapter.

2721 (c) Any interested party may bring a written petition to the  
2722 Department of Public Transportation, Aviation and Ports in respect to



2723 fares, service, operation or equipment, or the convenience, protection  
2724 and safety of the public with regard to any carrier operating a motor  
2725 vehicle in livery service. Thereupon, the department may fix a time  
2726 and place for a hearing upon such petition and give notice thereof. No  
2727 permit shall be sold or transferred until the department, upon written  
2728 application to it setting forth the purpose, terms and conditions thereof  
2729 and accompanied by a fee of two hundred dollars, after investigation,  
2730 approves the same. The department may amend or, for sufficient cause  
2731 shown, may suspend or revoke any such permit. The department may  
2732 impose a civil penalty on any person or any officer of any association,  
2733 limited liability company or corporation who violates any provision of  
2734 this chapter or any regulation adopted under section 13b-102 with  
2735 respect to fares, service, operation or equipment, in an amount not to  
2736 exceed one thousand dollars per day for each violation. Prior to the  
2737 imposition of a civil penalty under this subsection, the department  
2738 shall provide notice to said person or officer no later than fifteen  
2739 business days after receipt of information concerning an alleged  
2740 violation and shall provide an opportunity for a hearing.

2741 (d) The owner or operator of each motor vehicle in livery service  
2742 shall display in such vehicle such permit or a memorandum thereof.

2743 (e) Any person who holds him or herself out to be the operator of a  
2744 motor vehicle in livery service who has not received a permit under  
2745 this section or with the intent to injure or defraud another shall be  
2746 guilty of a class B misdemeanor.

2747 Sec. 87. Section 13b-104 of the general statutes is repealed and the  
2748 following is substituted in lieu thereof (*Effective January 1, 2010*):

2749 The Department of Public Transportation, Aviation and Ports may,  
2750 without hearing, issue to an applicant for authority to operate a motor  
2751 vehicle in livery service temporary authority to operate such service,  
2752 pending hearing upon his application and disposition thereof by the  
2753 department, but such temporary authority shall not extend over a  
2754 period of more than one hundred eighty days.

2755       Sec. 88. Section 13b-105 of the 2008 supplement to the general  
2756 statutes is repealed and the following is substituted in lieu thereof  
2757 (*Effective January 1, 2010*):

2758       The Department of Public Transportation, Aviation and Ports may,  
2759 with or without hearing, issue temporary and permanent livery  
2760 permits to applicants for the express purpose of providing reasonable  
2761 livery service to handicapped persons and elderly persons on regular  
2762 or irregular routes where the department finds no existing service or  
2763 that the existing service is not adequate to properly serve the special  
2764 needs of elderly persons and handicapped persons. Temporary  
2765 authority shall not extend over a period of more than sixty days. In  
2766 determining the special needs of the handicapped and elderly the  
2767 department may take into consideration the convenience and the  
2768 physical and mental frailties of, and the care, safety and protection  
2769 necessary for the best interest of, the handicapped and elderly and the  
2770 general public. No applicant shall be issued a temporary or permanent  
2771 permit unless such applicant's motor vehicle meets the requirements of  
2772 subsection (e) of section 14-100a of the 2008 supplement to the general  
2773 statutes. Applicants who were issued a temporary or permanent  
2774 permit prior to October 1, 2007, shall comply with the requirements of  
2775 subsection (e) of section 14-100a of the 2008 supplement to the general  
2776 statutes not later than October 1, 2007.

2777       Sec. 89. Section 13b-107 of the general statutes is repealed and the  
2778 following is substituted in lieu thereof (*Effective January 1, 2010*):

2779       (a) Any person, while operating a passenger motor vehicle  
2780 registered in this state between his place of residence and his place of  
2781 employment, may carry for reasonable compensation not more than  
2782 five other persons regularly employed in the locality of such person's  
2783 place of employment without obtaining a livery license or a permit  
2784 from the Department of Transportation.

2785       (b) Any corporation or employee of such corporation may operate  
2786 one or more vanpool vehicles each having a seating capacity of not

2787 more than fifteen passengers for the purpose of transporting persons  
2788 to and from their place of employment without obtaining a livery  
2789 license or permit from the Department of Public Transportation,  
2790 Aviation and Ports.

2791 Sec. 90. Section 13b-108 of the general statutes is repealed and the  
2792 following is substituted in lieu thereof (*Effective January 1, 2010*):

2793 (a) Any person or any officer of any association, limited liability  
2794 company or corporation who violates any provision of sections  
2795 13b-101 to 13b-107, inclusive, or any order or regulation adopted,  
2796 prescribed or established under any such provision shall be fined not  
2797 more than five hundred dollars for the first offense and for a second  
2798 offense shall be fined two thousand dollars and may be enjoined from  
2799 further operation or maintenance of a livery business pursuant to  
2800 subsection (b) of this section.

2801 (b) Any person or any officer of any association, limited liability  
2802 company or corporation who violates section 13b-103 may be enjoined  
2803 from further operation or maintenance of any livery business by order  
2804 of the Superior Court. The Commissioner of Public Transportation,  
2805 Aviation and Ports shall bring any application for an injunction to the  
2806 judicial district in which the principal place of business of any such  
2807 person, association, limited liability company or corporation is located.  
2808 The court upon a finding of a violation of section 13b-103 may issue an  
2809 injunction and make such orders for the discontinuance of such  
2810 business as it deems equitable.

2811 Sec. 91. Section 13b-108a of the general statutes is repealed and the  
2812 following is substituted in lieu thereof (*Effective January 1, 2010*):

2813 (a) The Commissioner of Public Transportation, Aviation and Ports  
2814 may enter into reciprocal agreements or plans on behalf of the state of  
2815 Connecticut with the appropriate authorities of any state of the United  
2816 States, or any political subdivision thereof, or the District of Columbia,  
2817 granting reciprocity to motor vehicles in livery services, as defined in

2818 section 13b-101. Any such reciprocal agreement or plan may include,  
2819 but not be limited to, the following: (1) Full reciprocity in accordance  
2820 with such agreement or plan for livery services not based in  
2821 Connecticut in exchange for equivalent reciprocity for Connecticut-  
2822 based livery services; (2) reciprocal exchange of audits of records of the  
2823 owners of livery services by the states participating in any such  
2824 agreement or plan; (3) any other matters which would facilitate the  
2825 administration of such agreement or plan, including exchange of  
2826 information for audits, enforcement activities and collection and  
2827 disbursement of proportional registration fees for other jurisdictions in  
2828 the case of Connecticut-based livery services.

2829 (b) Any reciprocity agreement, arrangement or declaration relating  
2830 to livery services in effect on April 9, 1999, between this state and any  
2831 jurisdiction not a party to any reciprocal agreement or plan authorized  
2832 by subsection (a) of this section, or relating to any matters not covered  
2833 in such reciprocal agreement or plan, shall continue in force and effect  
2834 until specifically amended or revoked as provided by law.

2835 Sec. 92. Section 13b-109 of the general statutes is repealed and the  
2836 following is substituted in lieu thereof (*Effective January 1, 2010*):

2837 A printed advertisement concerning a motor vehicle in livery  
2838 service shall conspicuously state the number of the permit issued to  
2839 the operator of such vehicle by the Department of Public  
2840 Transportation, Aviation and Ports pursuant to section 13b-103 and  
2841 shall conspicuously state the number of any permit or registration  
2842 issued to such operator by the Federal Highway Administration.

2843 Sec. 93. Section 13b-200 of the general statutes is repealed and the  
2844 following is substituted in lieu thereof (*Effective January 1, 2010*):

2845 (a) The Commissioner of Public Transportation, Aviation and Ports  
2846 shall, at the commissioner's discretion, examine the several railroads in  
2847 the state when he deems that public safety so requires, and shall make  
2848 a like examination of any railroad within the limits of any town, when

2849 so requested in writing by the selectmen of such town or by the  
2850 authorities having control and supervision of the streets and highways  
2851 within the town, and shall see that such railroads are kept in suitable  
2852 repair and that the companies operating them faithfully comply with  
2853 all provisions of law. The employees of the Department of Public  
2854 Transportation, Aviation and Ports shall have the right to pass free of  
2855 charge, in the performance of their duties, on all railroads in the state.

2856 (b) The commissioner or his employees may enter any building, car  
2857 or other premises owned or controlled by any railroad company. Any  
2858 person interfering with an employee of the Department of Public  
2859 Transportation, Aviation and Ports in the performance of his duties  
2860 shall be fined not more than two hundred dollars or imprisoned not  
2861 more than six months or both.

2862 Sec. 94. Section 13b-201 of the general statutes is repealed and the  
2863 following is substituted in lieu thereof (*Effective January 1, 2010*):

2864 No part of any railroad shall be opened for public travel unless the  
2865 company operating such railroad first obtains a certificate signed by  
2866 the Commissioner of Public Transportation, Aviation and Ports that it  
2867 is in a suitable and safe condition.

2868 Sec. 95. Section 13b-202 of the general statutes is repealed and the  
2869 following is substituted in lieu thereof (*Effective January 1, 2010*):

2870 The Commissioner of Public Transportation, Aviation and Ports  
2871 shall, from time to time, recommend to the several companies  
2872 operating railroads in this state, or to any of them, the adoption of such  
2873 measures and regulations as the commissioner deems conducive to the  
2874 public safety or interest; and shall report to the next General Assembly  
2875 any neglect on the part of any such company to comply with any such  
2876 recommendation.

2877 Sec. 96. Section 13b-203 of the general statutes is repealed and the  
2878 following is substituted in lieu thereof (*Effective January 1, 2010*):

2879 If, upon examination of any railroad or the affairs of any railroad  
2880 company, the Commissioner of Public Transportation, Aviation and  
2881 Ports is of the opinion that such road is in such condition, or that the  
2882 affairs of such company are so conducted, as to endanger public safety,  
2883 or that the company has violated the law or refused to obey the  
2884 directions of the commissioner or of the Superior Court or any judge  
2885 thereof, he may, within one year after such examination, make  
2886 application to any judge of said court for an injunction to restrain any  
2887 person from exercising or attempting to exercise the duties of any  
2888 officer in such company; and such judge may proceed thereon as the  
2889 Superior Court may do on complaints for injunctions.

2890 Sec. 97. Section 13b-204 of the general statutes is repealed and the  
2891 following is substituted in lieu thereof (*Effective January 1, 2010*):

2892 The Commissioner of Public Transportation, Aviation and Ports  
2893 may at any time, and on the complaint in writing of five of the  
2894 stockholders or creditors of any railroad company assigning sufficient  
2895 reason shall, examine the railroad of such company and all its  
2896 appurtenances, engines and cars, and its bylaws and rules; and, in  
2897 such examination, shall pass over the road at a rate not exceeding six  
2898 miles an hour, shall stop at each culvert, bridge and piling and  
2899 examine the same, and shall examine the rails and ties in each mile,  
2900 after notifying the company in writing of the time of such examination.  
2901 He shall notify the company to make all repairs required within a time  
2902 limited; shall make such rules as to platforms and outbuildings at  
2903 stations as are for the public interest; may prescribe the time during  
2904 which any ticket office shall be open for the sale of tickets, and no  
2905 company neglecting to comply with such order shall receive more than  
2906 the regular ticket price for fare; shall make necessary orders for  
2907 compelling companies to furnish comfortable seats for passengers and  
2908 for regulating the manner in which companies shall manage their  
2909 engines and cars at highway crossings; shall direct that suitable  
2910 warning boards be put up at dangerous crossings; may require  
2911 companies to maintain a gate across a highway at any crossing and to

2912 provide an agent to open or close the same; shall, when two roads  
2913 meet or intersect, at the request of the directors of the company  
2914 owning either, prescribe rules relative to the exchange of passengers  
2915 and baggage; and may cause any portion of the statutes relating to  
2916 railroads to be posted as they may direct.

2917 Sec. 98. Section 13b-205 of the general statutes is repealed and the  
2918 following is substituted in lieu thereof (*Effective January 1, 2010*):

2919 When any highway, or portion thereof, in which are located tracks  
2920 of any railroad is lawfully discontinued, the company owning or  
2921 operating such railroad shall have the right, with the approval of the  
2922 Commissioner of Public Transportation, Aviation and Ports, to take  
2923 land for its railroad within the limits of such highway or part thereof  
2924 discontinued.

2925 Sec. 99. Section 13b-212a of the general statutes is repealed and the  
2926 following is substituted in lieu thereof (*Effective January 1, 2010*):

2927 (a) The Commissioner of Public Transportation, Aviation and Ports  
2928 shall develop a contingency plan for any disruption of rail passenger  
2929 service on Shore Line East, the New Haven line including the New  
2930 Canaan, Waterbury and Danbury branches or any other rail passenger  
2931 line due to a strike, equipment failure, malfunction of the Cos Cob  
2932 generating plant or any other event that would require passengers to  
2933 seek alternative transportation, and submit the plan to the joint  
2934 standing committee of the General Assembly having cognizance of  
2935 matters relating to transportation on or before January 15, 1986. The  
2936 commissioner shall regularly review the contingency plan and shall  
2937 regularly consult with town and municipal officials, the Connecticut  
2938 Public Transportation Commission and the joint standing committee of  
2939 the General Assembly having cognizance of matters relating to  
2940 transportation concerning the contingency plan. The contingency plan  
2941 shall include specific provisions concerning weekend rail service,  
2942 service on the New Haven line and the New Canaan, Danbury and  
2943 Waterbury branches, service for commuters traveling to New Haven in

2944 the morning and to New York in the evening and service to areas  
2945 between New Haven and New York. The commissioner may revise the  
2946 contingency plan whenever he deems it necessary.

2947 (b) The Commissioner of Public Transportation, Aviation and Ports  
2948 shall designate one or more persons, associations or corporations  
2949 engaged in the operation of motor bus services in accordance with the  
2950 provisions of chapter 244 to provide transportation services to rail  
2951 passengers during any disruption of rail service on the New Haven  
2952 line, or any branch of such line. The commissioner shall specify the  
2953 name and address of any such person, association or corporation in a  
2954 revised contingency plan developed in accordance with the provisions  
2955 of this section. [The commissioner shall submit such plan to the joint  
2956 standing committee of the General Assembly having cognizance of  
2957 matters relating to transportation on or before January 15, 1987.]

2958 Sec. 100. Section 13b-212c of the general statutes is repealed and the  
2959 following is substituted in lieu thereof (*Effective January 1, 2010*):

2960 The Metro North New Haven Rail Commuter Council shall study  
2961 and investigate all aspects of the daily operation of the New Haven  
2962 commuter railroad line, monitor its performance and recommend  
2963 changes to improve the efficiency and the quality of service of the  
2964 operation of such line. The council may request and shall receive from  
2965 any department, division, board, bureau, commission, agency, public  
2966 authority of the state or any political subdivision thereof such  
2967 assistance and data as it requests and will enable it to properly carry  
2968 out its activities for the purposes set forth herein. The council shall  
2969 report its findings and recommendations annually on or before  
2970 January fifteenth, to the Governor, the Commissioner of Public  
2971 Transportation, Aviation and Ports, the Connecticut Public  
2972 Transportation Commission, the General Assembly, the Metro North  
2973 Rail Commuter Council located in New York and the management  
2974 advisory board of the office of the inspector general of the  
2975 Metropolitan Transportation Authority located in New York.



2976       Sec. 101. Section 13b-212d of the general statutes is repealed and the  
2977       following is substituted in lieu thereof (*Effective January 1, 2010*):

2978       [(a)] The Governor may enter into an agreement with the state of  
2979       New York that provides voting representation for the state of  
2980       Connecticut on the boards of the Metropolitan Transportation  
2981       Authority, the Metro-North Commuter Railroad and their respective  
2982       successors, if any.

2983       [(b) Not later than January 1, 2005, the Commissioner of  
2984       Transportation shall report to the Governor and the General Assembly  
2985       concerning (1) the status of the state's efforts to obtain voting  
2986       representation on the Metropolitan Transportation Authority, the  
2987       board of the Metro-North Commuter Railroad and their successors, if  
2988       any, (2) the status of the recommendations made in the report on the  
2989       Metro-North operating agreement mandated by section 13b-38g and  
2990       section 2 of public act 00-129\*, and (3) any other actions with respect to  
2991       the operating agreement which the commissioner believes are  
2992       necessary, proper and appropriate to (A) improve commuter rail  
2993       service on the Metro North-New Haven Line, and (B) protect the  
2994       financial interests of the state.]

2995       Sec. 102. Section 13b-214 of the general statutes is repealed and the  
2996       following is substituted in lieu thereof (*Effective January 1, 2010*):

2997       If any such competing company at any time deems itself aggrieved  
2998       in reference to such facilities, it may complain to the Commissioner of  
2999       Public Transportation, Aviation and Ports, who, after notice and  
3000       hearing, shall prescribe such regulations as, in his judgment, will  
3001       secure reasonable facilities for the accommodation of the business of  
3002       each of such connecting railroads, and fix the terms on which such  
3003       facilities shall be afforded by or to each of such companies; and the  
3004       Superior Court may compel the observance thereof, by attachment,  
3005       mandamus or otherwise, and the expenses of the proceedings shall be  
3006       paid by the parties as the court determines.

3007       Sec. 103. Section 13b-221 of the general statutes is repealed and the  
3008       following is substituted in lieu thereof (*Effective January 1, 2010*):

3009       No public service company having a track in, over, above, under,  
3010       parallel to or adjacent to any state highway shall, in the removal of  
3011       snow or ice from so much of the right-of-way of any such company as  
3012       is occupied by tracks, deposit upon the paved, metal or hardened  
3013       section of such highway, or within twelve feet thereof, any snow or ice  
3014       without the written permission of the Commissioner of  
3015       [Transportation] Highways, which permission shall state the manner  
3016       in which such snow or ice shall be removed and may be revoked by  
3017       the Commissioner of [Transportation] Highways upon fifteen days'  
3018       written notice. Any person, firm or corporation violating any provision  
3019       of this section shall be fined not more than two hundred dollars and  
3020       shall reimburse the state for any expense incurred in the removal of  
3021       such snow or ice from any such highway, plus fifteen per cent of such  
3022       expense.

3023       Sec. 104. Section 13b-223 of the general statutes is repealed and the  
3024       following is substituted in lieu thereof (*Effective January 1, 2010*):

3025       All forfeitures, not otherwise provided for, accruing to the state  
3026       from any railroad company by reason of its neglect or refusal to  
3027       comply with the orders of the Commissioner of Public Transportation,  
3028       Aviation and Ports, shall be recovered by the State Treasurer in an  
3029       action upon the respective statutes providing for such forfeitures.

3030       Sec. 105. Section 13b-228 of the general statutes is repealed and the  
3031       following is substituted in lieu thereof (*Effective January 1, 2010*):

3032       To effectuate the policy of the state declared in section 13b-226, such  
3033       tax exemption projects shall specify for each such railroad those  
3034       measures which the Commissioner of Public Transportation, Aviation  
3035       and Ports deems necessary in the public interest for the railroad to  
3036       carry out during the calendar year following the date of issuance.  
3037       Subject to the requirements of any applicable law or order of any

3038 regulatory agency having jurisdiction over such railroad, such tax  
3039 exemption projects shall include one or more of the following:

3040 (a) Railroad track or railroad facility improvement projects in this  
3041 state. Allowable costs shall include design, inspection and construction  
3042 of projects including, but not limited to, the maintenance,  
3043 rehabilitation or construction of tracks, bridges, stations, or platforms  
3044 or the acquisition or rehabilitation of equipment used exclusively in  
3045 this state.

3046 (b) Light density freight line service preservation, in this state,  
3047 where the revenue and variable cost of such lines create the potential  
3048 for abandonment. Such preservation means the railroads' assumption  
3049 of the deficit cost of the operation of such a line and shall be defined as  
3050 one hundred ten per cent of the variable cost to provide service, minus  
3051 the revenues generated by such a line.

3052 (c) Intercity rail passenger service expansion in this state. Such  
3053 expansion means Amtrak's assumption of the operating deficit directly  
3054 attributable to the passenger train service which is additional to the  
3055 service defined in the Amtrak schedule dated October 28, 1984.

3056 Sec. 106. Section 13b-229 of the general statutes is repealed and the  
3057 following is substituted in lieu thereof (*Effective January 1, 2010*):

3058 From time to time during the calendar year following the issuance  
3059 of final tax exemption projects the Commissioner of Public  
3060 Transportation, Aviation and Ports may modify such projects to reflect  
3061 any material changes in data previously considered under subsection  
3062 (b) of section 13b-227, after notice and hearing as provided by  
3063 subsection (a) of section 13b-227.

3064 Sec. 107. Section 13b-230 of the general statutes is repealed and the  
3065 following is substituted in lieu thereof (*Effective January 1, 2010*):

3066 The Commissioner of Public Transportation, Aviation and Ports  
3067 shall make periodic inspections to determine the degree of compliance

3068 with tax exemption projects issued in accordance with sections 13b-226  
3069 to 13b-233, inclusive, and shall report his findings annually on or  
3070 before October first to the Governor and the chairmen of the joint  
3071 standing committees of the General Assembly having cognizance of  
3072 matters relating to transportation and to state finance, revenue and  
3073 bonding.

3074 Sec. 108. Section 13b-231 of the general statutes is repealed and the  
3075 following is substituted in lieu thereof (*Effective January 1, 2010*):

3076 For the purpose of establishing tax exemption projects and  
3077 determining the degree of compliance therewith, the Commissioner of  
3078 Public Transportation, Aviation and Ports may examine the accounts,  
3079 books, and documents of each railroad for which he is preparing or  
3080 has promulgated tax exemption projects, may inspect the  
3081 transportation property of such railroad and the performance of  
3082 maintenance, cleaning and rehabilitation work thereon, may hold  
3083 investigations and hearings within or without the state, either  
3084 separately or jointly with appropriate agencies of other jurisdictions,  
3085 and shall have power to compel the attendance of witnesses and the  
3086 production of accounts, books and documents by the issuance of a  
3087 subpoena.

3088 Sec. 109. Section 13b-232 of the general statutes is repealed and the  
3089 following is substituted in lieu thereof (*Effective January 1, 2010*):

3090 On or before March 1, 1980, and annually thereafter, the  
3091 Commissioner of Public Transportation, Aviation and Ports shall  
3092 certify to the Governor as eligible to receive the exemption provided  
3093 by section 12-251, any railroad transporting freight or passengers  
3094 within this state or between this state and other states which, as of the  
3095 date of its certification, has been found by the commissioner to have  
3096 complied with the tax exemption projects issued pursuant to sections  
3097 13b-226 to 13b-233, inclusive, for such railroad for the calendar year  
3098 next preceding, except in minor respects not deemed material by the  
3099 commissioner in the light of the purposes of said sections, provided no

3100 such railroad shall be certified by the commissioner as eligible to  
3101 receive said exemption unless the value of any expenditure made by  
3102 such railroad pursuant to section 13b-228 is not less than the amount of  
3103 tax to be exempted, and provided further if such expenditures are less  
3104 than the amount of tax to be exempted, the commissioner shall certify  
3105 such railroad as eligible to receive a partial exemption for any such  
3106 amounts expended pursuant to said section 13b-228.

3107 Sec. 110. Section 13b-233 of the general statutes is repealed and the  
3108 following is substituted in lieu thereof (*Effective January 1, 2010*):

3109 On or before March 1, 1980, and annually, thereafter, the  
3110 Commissioner of Public Transportation, Aviation and Ports shall  
3111 submit to the Governor and the chairmen of the joint standing  
3112 committees of the General Assembly having cognizance of matters  
3113 relating to transportation and to state finance, revenue and bonding a  
3114 report describing the effect of the tax exemption provided by sections  
3115 12-251 and 13b-226 to 13b-233, inclusive, during the preceding  
3116 calendar year, the tax exemption projects issued by him pursuant to  
3117 said sections and his determination of the degree of compliance with  
3118 such tax exemption projects in the preceding calendar year. The  
3119 commissioner shall include in such report a summary of the financial  
3120 condition of each railroad for which tax exemption projects have been  
3121 issued as of the most recent practicable date, together with such  
3122 additional information as he deems desirable. The commissioner shall  
3123 also include in such report a list of all railroads providing passenger or  
3124 freight service within the state which have not been granted an  
3125 exemption by the aforementioned sections with the reasons for not  
3126 granting such exemption, and his recommendations, if any, for  
3127 changes in the laws of the state affecting such railroads in the light of  
3128 the purposes of said sections. Railroads providing service in  
3129 Connecticut may provide information in writing to the commissioner,  
3130 which shall be considered by him, in the development of his  
3131 recommendations for any changes in the laws of the state affecting  
3132 railroads operating in the state or between this state and other states.

3133 Sec. 111. Section 13b-235 of the general statutes is repealed and the  
3134 following is substituted in lieu thereof (*Effective January 1, 2010*):

3135 On application of the Commissioner of Public Transportation,  
3136 Aviation and Ports or of the Attorney General, the superior court for  
3137 the judicial district of Hartford may enforce, by appropriate decree or  
3138 process, any provision of this chapter and chapters 245a and 245b or  
3139 any valid order of the Commissioner of Public Transportation,  
3140 Aviation and Ports pursuant to these chapters.

3141 Sec. 112. Subsection (d) of section 13b-236 of the 2008 supplement to  
3142 the general statutes is repealed and the following is substituted in lieu  
3143 thereof (*Effective January 1, 2010*):

3144 (d) The Commissioner of Public Transportation, Aviation and Ports  
3145 shall adopt regulations, in accordance with the provisions of chapter  
3146 54, implementing the program established under subsection (b) of this  
3147 section. Regulations adopted by the Department of Transportation  
3148 pursuant to this section, prior to January 1, 2010, shall be deemed, on  
3149 and after said date, to be regulations of the Department of Public  
3150 Transportation, Aviation and Ports.

3151 Sec. 113. Section 13b-245 of the general statutes is repealed and the  
3152 following is substituted in lieu thereof (*Effective January 1, 2010*):

3153 No land shall be taken without the consent of its owner, except  
3154 within two years after the approval of the location of the route by the  
3155 Commissioner of Public Transportation, Aviation and Ports. When the  
3156 land of any infant, cestui que trust or person non compos mentis is  
3157 necessary for the construction of a railroad, such land may be taken on  
3158 giving notice to the trustee of such cestui que trust, the guardian, either  
3159 natural or appointed, of such infant or the conservator of such person  
3160 non compos mentis, who may give a release for all damages for lands  
3161 so taken, as fully as if the same were held in his own right.

3162 Sec. 114. Section 13b-246 of the general statutes is repealed and the

3163 following is substituted in lieu thereof (*Effective January 1, 2010*):

3164 Before the Commissioner of Public Transportation, Aviation and  
3165 Ports approves the layout of any railroad or the taking of any real  
3166 estate for the purposes of such road or any change or alteration of the  
3167 same, he shall give reasonable notice to all persons having an interest  
3168 in such real estate to attend and be heard; and the appraisers shall  
3169 cause a like notice to be given to all persons interested in such real  
3170 estate. If any such person resides out of this state, or is an infant or  
3171 cestui que trust, or is non compos mentis, any judge of the Superior  
3172 Court may prescribe the notice to be given to such person.

3173 Sec. 115. Section 13b-248 of the general statutes is repealed and the  
3174 following is substituted in lieu thereof (*Effective January 1, 2010*):

3175 Each company, after its line of road has been located, approved and  
3176 established, may so far alter such location as to change the radius of its  
3177 curves, the width of its layout, the extent of depot grounds or its slopes  
3178 and embankments, may straighten and improve its lines and extend its  
3179 lines of sight, when such changes are approved by the Commissioner  
3180 of Public Transportation, Aviation and Ports, and may take land for  
3181 additional tracks, turnouts and freight and passenger stations and for  
3182 the purpose of supplying water for the use of its engines and stations.  
3183 A certificate of such changes or taking, signed by the commissioner,  
3184 shall be lodged for record in the town clerk's office in the town or  
3185 towns in which such changes are made or land taken.

3186 Sec. 116. Section 13b-249 of the general statutes is repealed and the  
3187 following is substituted in lieu thereof (*Effective January 1, 2010*):

3188 Each company, after its line of road has been located, approved and  
3189 established, may alter its grades and raise any highway bridges that  
3190 pass over its tracks to such height as may be approved by the  
3191 Commissioner of Public Transportation, Aviation and Ports and may  
3192 change the grade of the approaches to such bridges so as to conform to  
3193 the change in the height of the bridges; but this section shall not

3194 authorize any company to raise its tracks so as to lessen the distance  
3195 between an existing bridge and its tracks, without the approval of the  
3196 commissioner. Damages accruing to any adjoining proprietor on  
3197 account of any change of grade on the highways which are approaches  
3198 to any such bridge, raised under the provisions of this section, shall be  
3199 assessed and paid by such company in accordance with the provisions  
3200 of sections 13b-270, 13b-274 and 13b-279.

3201       Sec. 117. Section 13b-250 of the general statutes is repealed and the  
3202 following is substituted in lieu thereof (*Effective January 1, 2010*):

3203       Any company may so alter the location of its road as to add to the  
3204 number of its main tracks and, for that purpose, with the approval of  
3205 the Commissioner of Public Transportation, Aviation and Ports may  
3206 take additional land; but, when an additional bridge over a navigable  
3207 stream is required by an addition to the main tracks, the same shall be  
3208 constructed in such manner, of such materials and with draws of such  
3209 width as said commissioner may authorize and direct, and such  
3210 additional bridge shall be subject to the provisions of section 13b-285.

3211       Sec. 118. Section 13b-251 of the general statutes is repealed and the  
3212 following is substituted in lieu thereof (*Effective January 1, 2010*):

3213       (a) The minimum overhead clearance for any structure crossing  
3214 over railroad tracks for which construction is begun on or after  
3215 October 1, 1986, shall be twenty feet, six inches, except that, (1) if the  
3216 construction includes only deck replacement or minor widening of the  
3217 structure, and the existing piers or abutments remain in place, the  
3218 minimum overhead clearance shall be the structure's existing overhead  
3219 clearance; (2) the minimum overhead clearance for any structure  
3220 crossing any railroad tracks on which trains are operated that are  
3221 attached to or powered by means of overhead electrical wires shall be  
3222 twenty-two feet, six inches; (3) the minimum overhead clearance for  
3223 the structure that carries (A) Route 372 over railroad tracks in New  
3224 Britain, designated state project number 131-156, (B) U.S. Route 1 over  
3225 railroad tracks in Fairfield, designated state project number 50-6H05,



3226 (C) Route 729 over railroad tracks in North Haven, designated state  
3227 project number 100-149, (D) Grove Street over railroad tracks in  
3228 Hartford, designated state project number 63-376, (E) Route 1 over  
3229 railroad tracks in Milford, designated state project number 173-117, (F)  
3230 Ingham Hill Road over railroad tracks in Old Saybrook, designated  
3231 state project number 105-164, (G) Ellis Street over railroad tracks in  
3232 New Britain, designated state project number 88-114, (H) Route 100  
3233 over the railroad tracks in East Haven, bridge number 01294, and (I)  
3234 Church Street Extension over certain railroad storage tracks located in  
3235 the New Haven Rail Yard, designated state project number 92-526,  
3236 shall be eighteen feet; (4) the minimum overhead clearance for those  
3237 structures carrying (A) Fair Street, bridge number 03870, (B) Crown  
3238 Street, bridge number 03871, and (C) Chapel Street, bridge number  
3239 03872, over railroad tracks in New Haven shall be seventeen feet, six  
3240 inches; (5) the minimum overhead clearance for the structure carrying  
3241 State Street railroad station pedestrian bridge over railroad tracks in  
3242 New Haven shall be nineteen feet, ten inches; (6) the overhead  
3243 clearance for the structure carrying Woodland Street over the Griffins  
3244 Industrial Line in Hartford, designated state project number 63-501,  
3245 shall be fifteen feet, nine inches, with new foundations placed at  
3246 depths which may accommodate an overhead clearance to a maximum  
3247 of seventeen feet, eight inches; (7) the Department of Transportation  
3248 may replace the Hales Road Highway Bridge over railroad tracks in  
3249 Westport, Bridge Number 03852, with a new bridge that provides a  
3250 minimum overhead clearance over the railroad tracks that shall be  
3251 eighteen feet, five inches; and (8) the Department of Transportation  
3252 may replace the Pearl Street Highway Bridge over railroad tracks in  
3253 Middletown, Bridge Number 04032, with a new bridge that provides a  
3254 minimum overhead clearance over the railroad tracks that shall be  
3255 seventeen feet, eleven inches.

3256 (b) For the purposes of this section, "overhead clearance" means the  
3257 distance from the plane formed by the top of the rails to a structure or  
3258 obstruction above the rails and "deck replacement" means the removal  
3259 and replacement of the bridge deck and supporting members.

3260 (c) Any proposed legislation which grants an exemption from the  
3261 minimum overhead clearance requirements in subsection (a) of this  
3262 section shall be accompanied by a written statement from the  
3263 Department of Public Transportation, Aviation and Ports which shall  
3264 include the following information: (1) The impacts associated with  
3265 raising the bridge to meet the clearance requirements; (2) the estimated  
3266 cost of raising the bridge to meet the clearance requirements; and (3)  
3267 an assessment, including the estimated cost, of the feasibility of  
3268 increasing the clearance by undercutting at least one track of the  
3269 railroad or by a combination of undercutting and raising the bridge to  
3270 meet the clearance requirements.

3271 Sec. 119. Section 13b-253 of the general statutes is repealed and the  
3272 following is substituted in lieu thereof (*Effective January 1, 2010*):

3273 When any company takes land for railroad purposes and the effect  
3274 of such taking is to cut off other land from practical access to the  
3275 highway, such company may, with the approval of the Commissioner  
3276 of Public Transportation, Aviation and Ports, take additional land  
3277 sufficient for a convenient way from the land so cut off to the highway  
3278 and shall provide for the use of the owner of the land cut off a suitable  
3279 way over such additional land to the highway. Such way shall remain  
3280 a private way for the use of the owner of the land cut off and the town  
3281 or city in which it is situated shall not be liable for its maintenance or  
3282 responsible for its defects. For the purposes of this section, lands may  
3283 be acquired in the manner provided by law for the taking of land by  
3284 railroad companies.

3285 Sec. 120. Section 13b-254 of the general statutes is repealed and the  
3286 following is substituted in lieu thereof (*Effective January 1, 2010*):

3287 No company shall lay out or locate its road, or any part thereof,  
3288 through any cemetery or any approach in common use from the  
3289 highway thereto, and within one-quarter of a mile thereof, unless the  
3290 Commissioner of Public Transportation, Aviation and Ports, when  
3291 called upon to approve the proposed layout of such road, finds that

3292 such cemetery, or the approach thereto, was located for the purpose of  
3293 obstructing such layout, or unless said commissioner approves such  
3294 layout or location.

3295 Sec. 121. Section 13b-260 of the general statutes is repealed and the  
3296 following is substituted in lieu thereof (*Effective January 1, 2010*):

3297 Within ninety days after the railroad of any company has been laid  
3298 out in any town and approved by the Commissioner of Public  
3299 Transportation, Aviation and Ports, such company shall deposit with  
3300 the town clerk a correct plan, signed by its president, of so much of  
3301 such railroad as lies in such town, drawn on a scale of at least five  
3302 inches to the mile, upon which shall be accurately delineated the  
3303 direction and length of each course and the width of the land taken.

3304 Sec. 122. Section 13b-263 of the general statutes is repealed and the  
3305 following is substituted in lieu thereof (*Effective January 1, 2010*):

3306 Any company may, in the construction of its railroad, cross the  
3307 railroad of any other company or connect with the same. If it cannot  
3308 agree with such other company as to such crossing or connection, the  
3309 Commissioner of Public Transportation, Aviation and Ports may  
3310 determine the place and manner of such crossing or connection, after  
3311 reasonable notice to the companies in interest to appear and be heard  
3312 in relation to the matter, and may make such orders as to bridges,  
3313 abutments, piers, tunnels, arches, excavations, retaining walls,  
3314 embankments and approaches as he judges necessary; but no railroad  
3315 shall cross any other railroad at grade, except for the purpose of  
3316 connecting therewith, when the avoidance of a grade crossing is  
3317 practicable, and the commissioner shall decide the question of  
3318 practicability.

3319 Sec. 123. Section 13b-264 of the general statutes is repealed and the  
3320 following is substituted in lieu thereof (*Effective January 1, 2010*):

3321 Any company may build branches from its main line or from any of

3322 its leased lines, provided the construction of such branches is found by  
3323 the Commissioner of Public Transportation, Aviation and Ports, upon  
3324 application, after such reasonable public notice as such commissioner  
3325 may order, to be of public necessity and convenience. For the purpose  
3326 of paying the cost of building any such branch, any railroad company  
3327 may issue bonds secured by mortgage to the amount of one-half of  
3328 such cost, to be verified in the manner provided in section 16-216 for  
3329 verifying the cost of a railroad for the purpose of issuing bonds. This  
3330 section shall be deemed to be an addition to, and amendment of, all  
3331 charters of railroad companies, and shall repeal all limitations in any  
3332 such charters as to the length of branches which such companies may  
3333 build.

3334 Sec. 124. Section 13b-265 of the general statutes is repealed and the  
3335 following is substituted in lieu thereof (*Effective January 1, 2010*):

3336 When it is necessary for the construction of a railroad to intersect or  
3337 cross any watercourse not navigable or any public highway, the  
3338 company may construct such railroad across or upon the same if the  
3339 Commissioner of Public Transportation, Aviation and Ports judges it  
3340 necessary and authorizes it by his order. Such company shall restore  
3341 such watercourse or highway to its former state or in a manner not to  
3342 impair its usefulness. If any highway is so located that such railroad  
3343 cannot be judiciously constructed across or upon the same without  
3344 interfering therewith, such company may, with the consent of the  
3345 commissioner, cause such highway to be changed or altered, so that  
3346 such railroad may be constructed on the best site. Such company shall  
3347 put such highway in as good situation and repair as it was previous to  
3348 such alteration, under the direction of the commissioner, whose  
3349 determination thereon shall be final.

3350 Sec. 125. Section 13b-267 of the general statutes is repealed and the  
3351 following is substituted in lieu thereof (*Effective January 1, 2010*):

3352 Each company which locates and constructs a railroad across any  
3353 highway shall construct it so as to cross over or under the same and

3354 may, under the direction of the [Commissioner of Transportation]  
3355 commissioner, raise or lower the same at such crossing or change the  
3356 location thereof and shall make and maintain such bridges, abutments,  
3357 tunnels, arches, excavations, embankments and approaches as the  
3358 commissioner orders and the convenience and safety of the public  
3359 travel upon such highway may require; but the commissioner may,  
3360 upon notice to such company and to the selectmen of the town or  
3361 mayor of the city in which such crossing is situated, direct such  
3362 company to construct its railroad at such crossing upon a level with  
3363 the highway; but no such direction shall be given in any case except for  
3364 special reasons, which shall be recorded in the records of the  
3365 commissioner.

3366 Sec. 126. Section 13b-268 of the general statutes is repealed and the  
3367 following is substituted in lieu thereof (*Effective January 1, 2010*):

3368 (a) When a new highway is constructed across a railroad, such  
3369 highway shall pass over or under the railroad as the Commissioner of  
3370 Public Transportation, Aviation and Ports directs. The company  
3371 operating such railroad shall construct such crossing to the approval of  
3372 the commissioner and may take land for the purposes of this section.  
3373 The expense of such crossing construction shall be borne by either the  
3374 town, city or borough constructing such highway, or by the company  
3375 constructing the same, or by a sharing of the cost between the town,  
3376 city or borough and the company, as the commissioner directs.

3377 (b) On or after October 1, 1989, no public railroad crossing at grade  
3378 shall be constructed unless authorized by special act of the General  
3379 Assembly. The Commissioner of Public Transportation, Aviation and  
3380 Ports, upon the request of the joint standing committee on  
3381 transportation or upon his own initiative, shall investigate and make  
3382 recommendations concerning the creation of such a crossing. Such  
3383 investigation shall include a public hearing on the creation of such a  
3384 crossing. The commissioner shall provide reasonable notice to the  
3385 town, city or borough where such crossing is to be located, any

3386 railroad utilizing the rail line and the party requesting the crossing and  
3387 to the public through publication of notice in a newspaper having  
3388 general circulation in the municipality where such crossing is to be  
3389 located. Any proposed legislation for the creation of such a crossing  
3390 shall be accompanied by a detailed report containing, but not limited  
3391 to the following information: The date of the public hearing, any  
3392 requirements for the protection of persons using the crossing,  
3393 including but not limited to the protections established in sections 13b-  
3394 342 to 13b-346, inclusive, and a recommendation concerning the party  
3395 to bear the costs of construction, installation and maintenance of such  
3396 crossing.

3397       Sec. 127. Section 13b-269 of the general statutes is repealed and the  
3398 following is substituted in lieu thereof (*Effective January 1, 2010*):

3399       When a highway is laid out or ordered to be laid out across a  
3400 railroad and the Commissioner of Public Transportation, Aviation and  
3401 Ports directs such highway to be carried over the railroad, he shall  
3402 determine the length, width and material of the bridge over the  
3403 railroad before the damages occasioned to any person by the taking of  
3404 land for such highway are finally assessed; and said commissioner  
3405 may require such bridge to extend beyond the railroad crossed by it.  
3406 No structure shall be constructed or reconstructed over and across any  
3407 railroad until the commissioner has determined the length, width,  
3408 material and plan of such structure and its height above the roadbed of  
3409 such railroad and the necessity for such construction or reconstruction.

3410       Sec. 128. Section 13b-270 of the general statutes is repealed and the  
3411 following is substituted in lieu thereof (*Effective January 1, 2010*):

3412       The selectmen of any town, the mayor and common council of any  
3413 city or the warden and burgesses of any borough, within which a  
3414 highway crosses or is crossed by a railroad, or the directors of any  
3415 railroad company whose road crosses or is crossed by a highway, may  
3416 bring their petition in writing to the Commissioner of Public  
3417 Transportation, Aviation and Ports, alleging that public safety requires

3418 an alteration in such crossing, its approaches, the method of crossing,  
3419 the location of the highway or crossing, the closing of a highway  
3420 crossing and the substitution of another therefor, not at grade, or the  
3421 removal of obstructions to the sight at such crossing, and praying that  
3422 the same may be ordered. Thereupon said commissioner shall appoint  
3423 a time and place for hearing the petition, and shall give such notice  
3424 thereof to such petitioners, the company, the municipality or  
3425 municipalities in which such crossing is situated and the owners of the  
3426 land adjoining such crossing and adjoining that part of the highway to  
3427 be changed in grade, as said commissioner judges reasonable; and,  
3428 after such notice and hearing, said commissioner shall determine what  
3429 alterations or removals, if any, shall be made and by whom made. If  
3430 such petition is brought by the directors of a railroad company or in  
3431 behalf of any such company, said commissioner shall order the  
3432 expense of such alterations or removals, including the damages to any  
3433 person whose land is taken and the special damages which the owner  
3434 of any land adjoining the public highway sustains by reason of any  
3435 such change in the grade of such highway, to be paid by the company  
3436 owning or operating the railroad in whose behalf the petition is  
3437 brought; and, if such petition is brought by the selectmen of any town,  
3438 the mayor and common council of any city or the warden and  
3439 burgesses of any borough, said commissioner may, if the highway  
3440 affected by such determination was in existence when the railroad was  
3441 constructed over it at grade or if the layout of the highway was  
3442 changed for the benefit of the railroad after the layout of the railroad,  
3443 order an amount not exceeding one-quarter of the whole expense of  
3444 such alteration or removal, including the damages, to be paid by the  
3445 town, city or borough in whose behalf the petition is brought, and the  
3446 remainder of the expense shall be paid by the company owning or  
3447 operating the road which crosses such public highway. If the highway  
3448 affected by such last-mentioned order has been constructed since the  
3449 railroad which it crosses at grade, said commissioner may order an  
3450 amount not exceeding one-half of the whole expense of such alteration  
3451 or removal, including the damages, to be paid by the town, city or

3452 borough in whose behalf the application is brought, and the remainder  
3453 of the expense shall be paid by the company owning or operating the  
3454 road which crosses such public highway. Railroad companies may  
3455 take land for the purpose of this section.

3456 Sec. 129. Section 13b-271 of the general statutes is repealed and the  
3457 following is substituted in lieu thereof (*Effective January 1, 2010*):

3458 The Commissioner of Public Transportation, Aviation and Ports, on  
3459 the application in writing of the selectmen of any town, the mayor and  
3460 common council of any city or the warden and burgesses of any  
3461 borough or on the commissioner's own motion, may make all  
3462 necessary orders concerning the establishment of a temporary grade  
3463 crossing over the tracks of any railway during the period of  
3464 construction of a permanent grade separation structure which will  
3465 carry a highway over or under such tracks, provided the state, town,  
3466 city or borough making such application shall bear the cost of any  
3467 necessary signs, signals, gates, flagmen or other protective devices.

3468 Sec. 130. Section 13b-272 of the general statutes is repealed and the  
3469 following is substituted in lieu thereof (*Effective January 1, 2010*):

3470 Notwithstanding any other provision of the general statutes, the  
3471 Commissioner of Public Transportation, Aviation and Ports, on the  
3472 application in writing of the selectmen of any town, the mayor and  
3473 common council of any city or the warden and burgesses of any  
3474 borough or on his own motion, may make all necessary orders  
3475 regarding the relocation of an existing grade crossing where it can be  
3476 shown that the crossing at the revised location will be in the interests  
3477 of public safety, necessity and convenience due to improved highway  
3478 alignment, gradient, sight distance or such other reason as will result  
3479 in better traffic operations at the crossing, provided the state, town,  
3480 city or borough making such application shall bear the cost of such  
3481 relocation and the maintenance thereafter shall be borne in the same  
3482 manner as prior to such relocation.



3483       Sec. 131. Section 13b-273 of the general statutes is repealed and the  
3484 following is substituted in lieu thereof (*Effective January 1, 2010*):

3485       Any railroad company may bring its petition in writing to the  
3486 Commissioner of Public Transportation, Aviation and Ports, alleging  
3487 that public safety requires the elimination of the crossing of its railroad  
3488 at grade by a highway or highways through the removal of such line of  
3489 railroad between any two contiguous stations or any two points  
3490 between which there is no station so as to coincide with some other  
3491 line of railroad owned and operated by such company between the  
3492 same two points or stations, and praying that the same may be  
3493 ordered; whereupon the commissioner shall appoint a time and place  
3494 for hearing the petition and shall give such notice thereof as he judges  
3495 reasonable to such company and the municipalities in which such  
3496 crossing and such two points or stations are situated. If, upon such  
3497 hearing, it appears to the commissioner that proper and adequate  
3498 service will be afforded to the public in the transportation of  
3499 passengers and freight within the towns in which such line of railroad  
3500 to be moved is located, he shall order the removal, and such railroad  
3501 company shall thereupon have the right to remove its line of railroad  
3502 to such other line and to abandon such portion of its railroad as may  
3503 be removed to such other line and its franchise thereto.

3504       Sec. 132. Section 13b-274 of the general statutes is repealed and the  
3505 following is substituted in lieu thereof (*Effective January 1, 2010*):

3506       The Commissioner of Public Transportation, Aviation and Ports  
3507 may, in the absence of any application therefor, when in the  
3508 commissioner's opinion public safety requires an alteration in any  
3509 highway crossed at grade by a railroad or by railroads belonging to or  
3510 operated by more than one company, after a hearing had upon such  
3511 notice as the commissioner deems reasonable to the company or  
3512 companies owning or operating such railroad or railroads and to the  
3513 selectmen of the town, mayor of the city or warden of the borough  
3514 within which such highway is situated and to the owners of the land

3515 adjoining such crossing, order such alterations in such highway as the  
3516 commissioner deems best, and shall determine and direct by whom  
3517 such alterations shall be made, at whose expense and within what  
3518 time; provided, in all cases arising under this section, one-fourth of the  
3519 expense, including damages and special damages as aforesaid, shall be  
3520 paid by the state and the remainder shall be assessed upon the railroad  
3521 company or companies benefited by such order; and provided such  
3522 alterations as are thus made at the primary instance of the  
3523 commissioner shall not be ordered so as to direct the construction of  
3524 more than one bridge in any one year on any one railroad. Railroad  
3525 companies may take land for the purpose of this section. No land shall  
3526 be taken by any railroad company for the purpose mentioned in this  
3527 section, except such as the commissioner finds to be necessary for such  
3528 purpose; but no such taking need be based upon any special finding  
3529 that public necessity and convenience require such taking.

3530 Sec. 133. Section 13b-275 of the general statutes is repealed and the  
3531 following is substituted in lieu thereof (*Effective January 1, 2010*):

3532 Any public service company or companies whose tracks cross over,  
3533 under or upon a state highway or any other main highway leading  
3534 from one town to another, the municipality within which such crossing  
3535 is located may bring a petition in writing to the Commissioner of  
3536 Public Transportation, Aviation and Ports for authority to eliminate  
3537 any dangerous condition which exists at such crossing, and said  
3538 commissioner shall thereupon appoint a time and place for hearing  
3539 such petition or the commissioner may, on his own motion set such  
3540 hearing and shall give such notice thereof to such company or  
3541 companies and to any public service company having tracks, wires,  
3542 poles or other fixtures located in or adjacent to such highway at or near  
3543 such crossing, and to such municipality, to all adjoining land owners  
3544 whose property would be affected as he judges reasonable. The  
3545 petitioner shall file with such petition plans and specifications for, and  
3546 an estimate of the cost of, removing such dangerous condition,  
3547 including the cost of all labor, materials and engineering services and

3548 of the taking of any land or interest in land that may be necessary,  
3549 together with the names and addresses of all persons or corporations  
3550 whose land would be affected by the elimination of such dangerous  
3551 condition.

3552 Sec. 134. Section 13b-276 of the general statutes is repealed and the  
3553 following is substituted in lieu thereof (*Effective January 1, 2010*):

3554 The Commissioner of Public Transportation, Aviation and Ports, if  
3555 he finds that a dangerous condition exists at such crossing, except a  
3556 dangerous condition arising out of improper or inadequate  
3557 maintenance, shall issue such order to such municipality or to any  
3558 such public service company directing the removal, change or  
3559 relocation of such crossing, highway, tracks, pipes, wires, poles or  
3560 other fixtures or tree or building or other structure, as may be  
3561 necessary to eliminate such dangerous condition; and shall apportion  
3562 the cost thereof among such public service company or companies,  
3563 such municipality and the state, and shall determine the conditions  
3564 and the time and manner of the payment of such apportionments,  
3565 provided the portion of the cost to be paid by such public service  
3566 company in the elimination of any such dangerous conditions on state  
3567 maintained highways shall not exceed ten per cent. The party or  
3568 parties ordered by said commissioner to perform the work necessary  
3569 to remove such dangerous condition shall serve written notice, at least  
3570 thirty days prior to the approximate date of the commencement of  
3571 such work, upon all other parties in interest, including any public  
3572 service company whose plant is involved or affected by such work,  
3573 and any such public service company shall provide such means as may  
3574 be necessary for the continued use of such plant in such manner as to  
3575 best serve the interests and convenience of the public.

3576 Sec. 135. Section 13b-277 of the general statutes is repealed and the  
3577 following is substituted in lieu thereof (*Effective January 1, 2010*):

3578 Any public service company or municipality may appeal from any  
3579 order of the Commissioner of Public Transportation, Aviation and

3580 Ports issued under the provisions of sections 13b-275 and 13b-276 as  
3581 provided in section 4-183.

3582 Sec. 136. Section 13b-279 of the general statutes is repealed and the  
3583 following is substituted in lieu thereof (*Effective January 1, 2010*):

3584 When the Commissioner of Public Transportation, Aviation and  
3585 Ports, upon an application brought under the provisions of section  
3586 13b-270, finds that any highway crosses or is crossed by the tracks of  
3587 more than one railroad, and the tracks of such railroads are so near  
3588 together that public convenience requires the work of separating the  
3589 grades to be done under and in compliance with one order, he shall  
3590 give notice to all the companies operating such railroads to appear  
3591 before him and be heard upon the application. After such notice and  
3592 hearing, said commissioner shall determine what alterations shall be  
3593 made, if any, so as to separate the grades of all of such crossings at the  
3594 same time and shall determine by whom such work shall be done, and  
3595 he shall apportion the expense to be borne by the railroad companies  
3596 among such companies in such manner as he deems equitable.

3597 Sec. 137. Section 13b-280 of the general statutes is repealed and the  
3598 following is substituted in lieu thereof (*Effective January 1, 2010*):

3599 If the party by whom such changes in the highway are to be made  
3600 cannot agree with the owner of land or other property to be taken or  
3601 removed under such decision of the Commissioner of Public  
3602 Transportation, Aviation and Ports, the damages shall be assessed in  
3603 the same manner as is provided in case of land taken by railroad  
3604 companies and the expense of such assessment shall be paid in the  
3605 same manner as the expense of the alterations.

3606 Sec. 138. Section 13b-281 of the general statutes is repealed and the  
3607 following is substituted in lieu thereof (*Effective January 1, 2010*):

3608 If the view of that portion of the tracks of any railroad, crossing a  
3609 highway at grade, which adjoins such crossing, is obstructed by trees,

3610 shrubbery or embankments of earth, the Commissioner of Public  
3611 Transportation, Aviation and Ports may, after a hearing upon such  
3612 notice as the commissioner deems reasonable to the company or  
3613 companies owning or operating such railroad or railroads and to the  
3614 selectmen of the town, mayor of the city or warden of the borough  
3615 wherein such crossing is situated and to the owners of the land  
3616 adjoining such crossing, make such orders for or concerning the  
3617 removal of any such obstruction as will afford an unobstructed view of  
3618 such railroad tracks and such highway in accordance with current  
3619 American Association of State Highway and Transportation Officials'  
3620 Policy for vehicles to safely traverse a railroad crossing from a stopped  
3621 position. All orders of the commissioner pursuant to the provisions of  
3622 this section shall specifically set forth the limits within which land may  
3623 be taken and the nature, purposes and specific limits of the easements  
3624 so authorized to be taken. The expense occasioned by any order of said  
3625 commissioner under the provisions of this section shall be paid by the  
3626 owner of the land upon which the obstruction is located.

3627       Sec. 139. Section 13b-282 of the general statutes is repealed and the  
3628 following is substituted in lieu thereof (*Effective January 1, 2010*):

3629       When any highway passes over or under a railroad, if the  
3630 convenience and necessity of the public require a change in such  
3631 highway, the town, city or borough in which such highway is located  
3632 may bring a petition to the Commissioner of Public Transportation,  
3633 Aviation and Ports in the manner prescribed in section 13b-270, and,  
3634 after the notice prescribed by said section, said commissioner shall  
3635 proceed to a hearing on such matter and may make such order as the  
3636 commissioner deems necessary for the convenience and necessity of  
3637 the public or the safe and suitable operation of the railroad. For the  
3638 purposes of this section, said commissioner shall have and exercise all  
3639 powers of said commissioner concerning the removal of grade  
3640 crossings, and land may be taken. The party upon whom is imposed,  
3641 by such order, the duty of making such changes in such highway may  
3642 use the material and abutments of any existing bridge in the old

3643 highway in the construction of a bridge in the substituted or changed  
3644 highway. The expense of any changes ordered as hereinbefore  
3645 provided shall be apportioned, among the railroad company and the  
3646 town, city or borough interested therein, in such manner as the  
3647 commissioner deems equitable; but in no case shall an amount in  
3648 excess of one-half of the expense of such alteration, including land  
3649 damages or special damages, be assessed upon any such town, city or  
3650 borough.

3651 Sec. 140. Section 13b-283 of the general statutes is repealed and the  
3652 following is substituted in lieu thereof (*Effective January 1, 2010*):

3653 (a) Railroad companies shall keep in repair all structures under their  
3654 tracks at any highway crossing. The state shall maintain and repair any  
3655 structure (1) which spans a railroad and which supports a municipal  
3656 road or (2) which spans any rail right-of-way which has been  
3657 purchased by any state agency. The Commissioner of Public  
3658 Transportation, Aviation and Ports shall adopt regulations in  
3659 accordance with the provisions of chapter 54, establishing a method by  
3660 which the cost of repairing and maintaining any structure provided for  
3661 in subdivision (1) of this subsection shall be apportioned between the  
3662 state and the municipality in which such structure is located. Any  
3663 town, city or borough may repair such structures over the tracks of a  
3664 railroad company located within such town, city or borough. For the  
3665 purpose of obtaining liability insurance coverage insuring against any  
3666 losses or injuries suffered during the performance of such repairs, such  
3667 town, city or borough may, in lieu of purchasing a separate policy of  
3668 insurance naming such railroad company as an additional insured,  
3669 purchase a rider to be attached to any existing insurance policy  
3670 providing such liability coverage, naming such railroad company as an  
3671 additional insured. The state shall maintain and repair the structures  
3672 over any railroad on state-maintained highways constructed after  
3673 January 1, 1955.

3674 (b) The Commissioner of Public Transportation, Aviation and Ports

3675 may expend up to the amount available annually from funds provided  
3676 by specific appropriation from the Special Transportation Fund or  
3677 other state funds in addition to any available federal funds to  
3678 reconstruct, repair or replace with a new structure, together with the  
3679 minimum approach work required for replacement, any existing  
3680 structure carrying a town-maintained road or highway over a railroad  
3681 when such structure is deemed critical from a traffic safety or load-  
3682 carrying standpoint. The expense of any roadway construction on the  
3683 approaches beyond what is required to build the new structure shall  
3684 be paid by the town, if the work is done by or approved by the town.

3685 (c) The Commissioner of Public Transportation, Aviation and Ports  
3686 may expend up to the amount made available from funds provided by  
3687 specific appropriations from the Special Transportation Fund or other  
3688 state funds in addition to any available federal funds to eliminate  
3689 highway-railroad grade crossings by construction of grade separation  
3690 structures and necessary approaches or by relocation of town-  
3691 maintained roads or highways to provide access to existing grade  
3692 separation structures.

3693 (d) The Commissioner of Public Transportation, Aviation and Ports,  
3694 as he deems necessary, may acquire land or rights of ingress to and  
3695 egress from land abutting any project which he undertakes pursuant to  
3696 this section in the same manner and with like powers as authorized  
3697 and exercised by said commissioner in acquiring land for state  
3698 highway purposes.

3699 (e) The Commissioner of Public Transportation, Aviation and Ports,  
3700 as he deems necessary, may issue an order to any utility, as defined in  
3701 section 13a-98f, to readjust, relocate or remove its facility, at its own  
3702 expense, from any structure or road abutting a structure in order to  
3703 perform maintenance or repairs pursuant to this section and such  
3704 utility shall readjust, relocate or remove its facility promptly in  
3705 accordance with such order, except that the cost of readjusting,  
3706 relocating, or removing any municipal utility shall be apportioned on

3707 the same basis as the cost of constructing such structure or road  
3708 abutting such structure. The cost of readjusting, relocating or removing  
3709 any public service facility which abuts or is within, on, over or under  
3710 any state highway shall be apportioned in accordance with the  
3711 provisions of section 13a-126 of the 2008 supplement to the general  
3712 statutes.

3713 Sec. 141. Section 13b-284 of the general statutes is repealed and the  
3714 following is substituted in lieu thereof (*Effective January 1, 2010*):

3715 The amount assessed by any order of the Commissioner of Public  
3716 Transportation, Aviation and Ports, or the Superior Court upon appeal  
3717 therefrom, against any town or city in this state, for the removal of a  
3718 grade crossing in a highway which was in existence before the  
3719 construction of the railroad, shall be reimbursed by the state to such  
3720 town or city. Such town or city shall present its claim to the  
3721 Comptroller, with proofs and certificates to his satisfaction from the  
3722 commissioner; and the Comptroller shall thereupon draw his order on  
3723 the Treasurer in favor of such town or city for the amount which he  
3724 finds due on such claim.

3725 Sec. 142. Section 13b-285 of the general statutes is repealed and the  
3726 following is substituted in lieu thereof (*Effective January 1, 2010*):

3727 When a railroad has been laid out, located or constructed so near a  
3728 highway as, in the opinion of the selectmen of any town, the mayor of  
3729 any city or the warden of any borough within which such highway is  
3730 situated, to endanger public travel, such selectmen, mayor or warden  
3731 may bring a petition to the Commissioner of Public Transportation,  
3732 Aviation and Ports, setting forth the facts; and the commissioner, after  
3733 reasonable notice to the railroad company to appear and be heard in  
3734 relation thereto, shall, if public safety so requires and a change of the  
3735 location of such highway is practicable, immediately order such  
3736 company to make such change, in such manner as the commissioner  
3737 may determine. The expense of such change, including the cost of  
3738 fencing such relocated highway, shall, if such railroad has not been



3739 constructed at the time of bringing such petition, be paid by the  
3740 company, but, if the railroad has been constructed at such time, one-  
3741 half of such expense shall be paid by the company and one-half by  
3742 such town, city or borough.

3743       Sec. 143. Section 13b-287 of the general statutes is repealed and the  
3744 following is substituted in lieu thereof (*Effective January 1, 2010*):

3745       Whenever the Commissioner of Public Transportation, Aviation  
3746 and Ports orders a change in the location of a highway under the  
3747 provisions of section 13b-285 and the parties ordered by the  
3748 commissioner to do the work cannot obtain the necessary land by  
3749 agreement, the company, or the town, city or borough ordered to do  
3750 the work, may take the land necessary for carrying out the orders of  
3751 the commissioner.

3752       Sec. 144. Section 13b-289 of the general statutes is repealed and the  
3753 following is substituted in lieu thereof (*Effective January 1, 2010*):

3754       The owner of any private crossing at grade of the tracks of a railroad  
3755 company, or of any right, title, interest, easement or privilege in land  
3756 used by a company for railroad purposes, or any such company whose  
3757 land is encumbered by any such private rights, may bring a written  
3758 petition to the Commissioner of Public Transportation, Aviation and  
3759 Ports for the condemnation of such rights, alleging that public safety  
3760 requires the elimination of such encumbrance. The commissioner shall  
3761 thereupon appoint a time and place for hearing the petition, and shall  
3762 give such notice thereof as he judges reasonable to the owner of such  
3763 rights, to the company and to the owners of land adjoining the  
3764 highway to be laid out as a substitute for such private crossing, as  
3765 hereinafter provided, if any such highway is to be laid out. Upon the  
3766 hearing of such petition, if public safety so requires, the commissioner  
3767 shall authorize the company to condemn such private rights, and  
3768 thereupon the company may proceed to condemn the same in the  
3769 manner provided by law for the taking of lands by such companies.  
3770 Upon the hearing of such petition, if the commissioner is of the

3771 opinion that public convenience and necessity require a highway on  
 3772 account of the elimination of such private rights in the land of the  
 3773 railroad company, he may lay out a highway sufficient to satisfy public  
 3774 convenience; but such highway shall not be laid out if the land of a  
 3775 private owner, with which the encumbrance is associated, is already  
 3776 connected with a public highway. If the commissioner orders a new  
 3777 highway, he shall assess the expense of making the same, including the  
 3778 damages to any person whose land is taken, proportionately, upon the  
 3779 person and parties especially benefited thereby, but at least one-half of  
 3780 such expense shall be paid by the company. The commissioner may  
 3781 order the elimination of any private crossing at grade by the  
 3782 substitution of an overhead or underneath crossing, in which case the  
 3783 expense of making such change, including land damages, shall be paid  
 3784 by the company.

3785 Sec. 145. Section 13b-292 of the general statutes is repealed and the  
 3786 following is substituted in lieu thereof (*Effective January 1, 2010*):

3787 (a) For the purposes of this section, private crossing means any  
 3788 private way, private drive or any facility other than a public highway  
 3789 for the use of pedestrians, motor vehicles or other types of  
 3790 conveyances, which crosses at grade any railroad track. No private  
 3791 crossing shall be established, except that the Commissioner of Public  
 3792 Transportation, Aviation and Ports may authorize the establishment of  
 3793 a private crossing if it is deemed necessary for the economic welfare of  
 3794 the community but only after imposing specific requirements for the  
 3795 protection of persons using the crossing. The cost of meeting such  
 3796 protection requirements shall be borne by the party requesting such  
 3797 private crossing or the town, city or borough in which such crossing is  
 3798 located may, in its discretion, assume all or part of such cost. The  
 3799 provisions of this section shall not apply to a private crossing used by  
 3800 a railroad company in connection with its operation or for access to its  
 3801 facilities.

3802 (b) Each town, city or borough shall erect and maintain traffic

3803 control devices within the limits of the railroad right-of-way at each  
3804 private crossing, or each town, city or borough shall require the  
3805 person, association or corporation that owns or has the right to use  
3806 such crossing to erect and maintain such traffic control devices at each  
3807 private crossing. Such order shall specify the time within which such  
3808 protective measures shall be installed. Upon failure of a person,  
3809 association or corporation to comply with an order issued pursuant to  
3810 this subsection, the required installation shall be made by the authority  
3811 issuing such order and the expense of such installation shall be a lien  
3812 on premises owned by such person, association or corporation. If  
3813 under the provisions of subsection (d) of this section the Commissioner  
3814 of Public Transportation, Aviation and Ports and the State Traffic  
3815 Commission order the erection of traffic control devices at a private  
3816 crossing and the town, city or borough within which such crossing is  
3817 located fails to erect or have erected such devices within one hundred  
3818 eighty days of such order, the Commissioner of Public Transportation,  
3819 Aviation and Ports and the State Traffic Commission shall order the  
3820 railroad to erect such devices and the expense of such erection shall be  
3821 a lien on premises owned by the person, association or corporation  
3822 that owns or has the right to use such crossing. If the Commissioner of  
3823 Public Transportation, Aviation and Ports and the State Traffic  
3824 Commission prescribe traffic control measures in addition to traffic  
3825 control devices, the town, city or borough shall invoke the provisions  
3826 of this subsection for the purpose of complying with such order, and  
3827 the cost of such compliance, if one thousand dollars or less, shall be  
3828 borne one-half by the town, city or borough and one-half by the  
3829 property owner and, if over one thousand dollars, shall be borne one-  
3830 sixth by the town, city or borough, one-sixth by the state, one-third by  
3831 the property owner, and one-third by the railroad.

3832 (c) The town, city or borough within which any private way leads to  
3833 a private crossing from a town, city or borough highway, and the  
3834 Commissioner of Public Transportation, Aviation and Ports, in the case  
3835 of any private way which leads to a private crossing from a state  
3836 highway, shall erect and maintain at the entrance to such private way a

3837 suitable sign warning of the railroad grade crossing.

3838 (d) The State Traffic Commission and the Commissioner of Public  
3839 Transportation, Aviation and Ports shall prescribe the nature of traffic  
3840 control devices and traffic control measures to be erected at each  
3841 private crossing and at approaches to such private crossings.

3842 (e) The Commissioner of Public Transportation, Aviation and Ports  
3843 shall make all necessary orders for the closing of any private crossing if  
3844 the commissioner finds that the necessity for such crossing has ceased  
3845 or that such private crossing constitutes a hazard to public safety. The  
3846 commissioner may order the consolidation into one crossing of two or  
3847 more private crossings located in close proximity to each other.

3848 (f) The provisions of section 13b-281 shall apply to private crossings.

3849 (g) Representatives of towns, cities, boroughs, railroads and state  
3850 agencies may enter private ways, drives or other facilities to the extent  
3851 required to perform their duties pursuant to this section.

3852 (h) Any person who fails to comply with traffic control measures  
3853 installed pursuant to this section shall be fined not more than one  
3854 hundred dollars.

3855 Sec. 146. Section 13b-293 of the general statutes is repealed and the  
3856 following is substituted in lieu thereof (*Effective January 1, 2010*):

3857 When the Commissioner of Public Transportation, Aviation and  
3858 Ports, in accepting the layout of any railroad company, has in such  
3859 acceptance provided that portions of such railroad shall not be  
3860 constructed until certain highways have been relocated or changed by  
3861 such company, and the obligation of repairing or maintaining the  
3862 whole or any part of such highways is imposed upon any person or  
3863 corporation other than the town, city or borough within which such  
3864 highway may be located, such provision shall be binding upon the  
3865 company and it shall maintain and repair such highway in the same  
3866 manner and to the same extent that such other person or corporation

3867 was bound to repair and maintain the same before such relocation or  
3868 change. Any such company may use the material and abutments of  
3869 any existing bridge in the old highway in the construction of a bridge  
3870 in the substituted highway and shall provide suitable temporary  
3871 accommodations for public travel over the old highway until the new  
3872 highway is completed and shall be solely responsible for injuries  
3873 resulting from its negligence in the matter of such temporary  
3874 accommodations. The selectmen of any such town may discontinue  
3875 such parts of the old highway as in their judgment are not of public  
3876 convenience and necessity.

3877 Sec. 147. Section 13b-294 of the general statutes is repealed and the  
3878 following is substituted in lieu thereof (*Effective January 1, 2010*):

3879 When any railroad is crossed by a highway at the same level, the  
3880 company operating such railroad shall, at its own expense, so guard its  
3881 rails by plank or otherwise as to secure a safe and easy passage across  
3882 its road. If the selectmen of any town, the mayor of any city or the  
3883 warden of any borough represents in writing to the Commissioner of  
3884 Public Transportation, Aviation and Ports that a company has failed to  
3885 comply with the requirements of this section in regard to any highway  
3886 within such town, city or borough, said commissioner shall examine  
3887 such crossing and make such order as he deems necessary to carry out  
3888 the provisions of this section.

3889 Sec. 148. Section 13b-295 of the general statutes is repealed and the  
3890 following is substituted in lieu thereof (*Effective January 1, 2010*):

3891 Each railroad company shall, if required by the Commissioner of  
3892 Public Transportation, Aviation and Ports, erect and thereafter  
3893 maintain suitable bridge guards at each bridge over its railroad when  
3894 the overhead structure is less than eighteen feet in height above the  
3895 track. Such bridge guards shall be approved by the commissioner and  
3896 be erected and adjusted to his satisfaction. Any company failing to  
3897 comply with the provisions of this section shall forfeit fifty dollars to  
3898 the state for each month of continuance in such failure.

3899 Sec. 149. Section 13b-296 of the general statutes is repealed and the  
3900 following is substituted in lieu thereof (*Effective January 1, 2010*):

3901 When the Commissioner of Public Transportation, Aviation and  
3902 Ports deems it necessary for the safety of persons traveling upon any  
3903 railroad in this state that guard rails or any other appliances to secure  
3904 safety should be placed upon any bridge used by the company  
3905 operating such railroad, the commissioner may order such company to  
3906 place such guards upon such bridge as he deems necessary. Any such  
3907 company which fails to comply with such order shall forfeit to the state  
3908 twenty-five dollars for each day of such failure.

3909 Sec. 150. Section 13b-297 of the general statutes is repealed and the  
3910 following is substituted in lieu thereof (*Effective January 1, 2010*):

3911 When, in the opinion of the selectmen of any town or of the  
3912 common council of any city, a footway upon the line of any railroad  
3913 bridge or causeway within the limits of such town or city would be of  
3914 public convenience and the railroad company owning such bridge or  
3915 causeway does not consent thereto, such selectmen or common council  
3916 may call out the Commissioner of Public Transportation, Aviation and  
3917 Ports, who, after due notice to such company, shall inquire into the  
3918 facts, at the expense of such town or city. If the commissioner finds  
3919 that a footway along such bridge or causeway would be of public  
3920 convenience, he shall authorize such town or city to construct or  
3921 maintain the same at its own expense and to attach the same for  
3922 support to such bridge or causeway. Such footway shall be constructed  
3923 entirely outside of the bridge or causeway to which it is attached and  
3924 so constructed, maintained and used as not to interfere with the use of  
3925 such bridge or causeway.

3926 Sec. 151. Section 13b-298 of the general statutes is repealed and the  
3927 following is substituted in lieu thereof (*Effective January 1, 2010*):

3928 Each railroad company shall construct suitable cattle guards and  
3929 fences at all railroad crossings of passways or highways to prevent

3930 cattle from passing upon its railroad, except when the Commissioner  
3931 of Public Transportation, Aviation and Ports deems it unnecessary.

3932 Sec. 152. Section 13b-299 of the general statutes is repealed and the  
3933 following is substituted in lieu thereof (*Effective January 1, 2010*):

3934 Each company shall erect and maintain fences, on the sides of the  
3935 railroads operated by it, at such places and within such times as the  
3936 Commissioner of Public Transportation, Aviation and Ports directs.

3937 Sec. 153. Section 13b-300 of the general statutes is repealed and the  
3938 following is substituted in lieu thereof (*Effective January 1, 2010*):

3939 The Commissioner of Public Transportation, Aviation and Ports  
3940 shall make a special investigation as to the condition of the fences on  
3941 the line of any railroad, when so requested in writing, and, if the  
3942 commissioner deems it necessary, shall issue an order directing the  
3943 company operating such railroad to erect or repair such fences. Such  
3944 order shall specify the place or places at which, the manner in which  
3945 and the time within which the fences are to be erected or repaired and  
3946 shall be served upon the company. Such service may be made by  
3947 mailing a registered or certified letter addressed to the secretary of the  
3948 company.

3949 Sec. 154. Section 13b-302 of the general statutes is repealed and the  
3950 following is substituted in lieu thereof (*Effective January 1, 2010*):

3951 When it is the duty of the owner of land adjoining any railroad to  
3952 erect or maintain a fence between such land and such railroad and  
3953 such owner has neglected to erect or maintain such fence and it has  
3954 been erected or maintained by the railroad company in conformity to  
3955 the order of the Commissioner of Public Transportation, Aviation and  
3956 Ports, such company may collect the cost of erecting and maintaining  
3957 such fence from such owner. Such cost shall be a lien in favor of such  
3958 company on such land, and such lien shall take precedence over any  
3959 other lien or encumbrance on such land and may be foreclosed in the

3960 same manner as a mortgage lien, but shall not continue in force unless  
3961 such company, within sixty days after the completion of such fence,  
3962 files a certificate with the town clerk of the town in which such land is  
3963 situated, describing such land and specifying the amount claimed as a  
3964 lien on such land and the dates of the commencement and completion  
3965 of such fence, which certificate shall be recorded by such clerk on the  
3966 land records of such town.

3967       Sec. 155. Section 13b-303 of the general statutes is repealed and the  
3968 following is substituted in lieu thereof (*Effective January 1, 2010*):

3969       When by contract neither the owner of such land nor the railroad  
3970 company can oblige the other to erect or maintain the fence, or such  
3971 owner or his grantor has agreed not to require the railroad company to  
3972 erect or maintain such fence, and such fence has been so erected or  
3973 maintained by the company by order of the Commissioner of Public  
3974 Transportation, Aviation and Ports, such company may collect from  
3975 such owner one-half of the cost of erecting and maintaining such fence,  
3976 which amount shall be a lien on such land as provided in section 13b-  
3977 302.

3978       Sec. 156. Section 13b-304 of the general statutes is repealed and the  
3979 following is substituted in lieu thereof (*Effective January 1, 2010*):

3980       When any railroad is operated by a trustee or receiver, the duties  
3981 and liabilities imposed and the rights conferred by sections 13b-299 to  
3982 13b-303, inclusive, upon companies are imposed and conferred upon  
3983 such trustee or receiver. Each order of the Commissioner of Public  
3984 Transportation, Aviation and Ports upon such trustee or receiver shall  
3985 be served by some indifferent person, by leaving a true and attested  
3986 copy of such order, with or at the usual place of abode of such trustee  
3987 or receiver, within six days of the date thereof.

3988       Sec. 157. Section 13b-308 of the general statutes is repealed and the  
3989 following is substituted in lieu thereof (*Effective January 1, 2010*):



3990 The Commissioner of Public Transportation, Aviation and Ports, on  
3991 the application in writing of the selectmen of any town, the mayor and  
3992 common council of any city or the warden and burgesses of any  
3993 borough, may make all necessary orders concerning the laying of any  
3994 commercial or industrial sidetrack or sidetracks, or branch line tracks  
3995 used only for freight traffic, at grade, upon or across any highway  
3996 within the limits of such town, city or borough and may also make all  
3997 necessary orders concerning the laying of any highway, at grade, upon  
3998 or across any commercial or industrial sidetrack or sidetracks, or  
3999 branch line tracks used only for freight traffic, within the limits of such  
4000 town, city or borough.

4001 Sec. 158. Section 13b-309 of the general statutes is repealed and the  
4002 following is substituted in lieu thereof (*Effective January 1, 2010*):

4003 No company shall abandon any station on its railroad, after the  
4004 same has been established for one year, except with the approval of the  
4005 Commissioner of Public Transportation, Aviation and Ports, given  
4006 after a public hearing, notice of which shall be posted conspicuously in  
4007 such station for one month previous to the hearing. The commissioner,  
4008 upon petition of not fewer than twenty-five affected persons, shall  
4009 hold his hearing at such station.

4010 Sec. 159. Section 13b-310 of the general statutes is repealed and the  
4011 following is substituted in lieu thereof (*Effective January 1, 2010*):

4012 Whenever any company changes the location of the track of any  
4013 railroad owned or leased by such company, for the purpose of  
4014 improving the line of the railroad, and desires to abandon the former  
4015 line and there is a railroad station upon the line which it is proposed to  
4016 abandon, such company may apply in writing to the Commissioner of  
4017 Public Transportation, Aviation and Ports for authority to abandon  
4018 the use of such station, after a new station has been provided at some  
4019 convenient point upon the new line of such railroad. Whenever such  
4020 application is made, the commissioner shall fix a time and place for a  
4021 hearing and shall give notice of the same by causing to be posted at

4022 least thirty days before the time of such hearing, in the railroad station  
4023 which it is proposed to abandon, a copy of such application and order  
4024 of notice and may, upon such hearing, fix the location of a new station  
4025 upon the new line. When such new station has been constructed and  
4026 opened for the use of the public, such company may abandon the old  
4027 station.

4028 Sec. 160. Section 13b-311 of the general statutes is repealed and the  
4029 following is substituted in lieu thereof (*Effective January 1, 2010*):

4030 Whenever any freight or passenger station on any railroad is  
4031 destroyed or rendered unfit for use, the company owning such station  
4032 shall rebuild or repair the same within a reasonable time unless  
4033 excused by the Commissioner of Public Transportation, Aviation and  
4034 Ports. If such company neglects so to do, the commissioner shall make  
4035 such order regarding such rebuilding or repairing as he deems  
4036 equitable, and such order may be enforced by mandamus brought in  
4037 the name of the state.

4038 Sec. 161. Section 13b-312 of the general statutes is repealed and the  
4039 following is substituted in lieu thereof (*Effective January 1, 2010*):

4040 Any person, firm or corporation owning a railroad station in use as  
4041 such in this state shall comply with all structural guidelines and  
4042 standards for railroad stations, established by the Department of  
4043 Public Transportation, Aviation and Ports, concerned with, but not  
4044 limited to, the health, safety and security of all individuals using such  
4045 stations.

4046 Sec. 162. Section 13b-315 of the general statutes is repealed and the  
4047 following is substituted in lieu thereof (*Effective January 1, 2010*):

4048 On application of the Commissioner of Public Transportation,  
4049 Aviation and Ports or of the Attorney General, the superior court for  
4050 the judicial district of Hartford may enforce, by appropriate decree or  
4051 process, any provision of this chapter and chapters 245 and 245b or

4052 any valid order of the Commissioner of Public Transportation,  
4053 Aviation and Ports pursuant to these chapters.

4054 Sec. 163. Section 13b-324 of the general statutes is repealed and the  
4055 following is substituted in lieu thereof (*Effective January 1, 2010*):

4056 (a) The Commissioner of Public Transportation, Aviation and Ports  
4057 shall investigate the operating and manning of passenger and freight  
4058 trains and make such orders, regulations or recommendations as, upon  
4059 investigation, the commissioner deems necessary for the safety and  
4060 protection of the public or of the employees of any railroad company  
4061 operating such trains. Any railroad company that fails to comply with  
4062 any valid order of the commissioner shall be fined not more than one  
4063 thousand dollars for each offense and be liable in double damages for  
4064 any resulting injury or damages to any person.

4065 (b) In the event of an accident involving personal injury or affecting  
4066 the public safety occurring on any of its property or involving any of  
4067 its equipment, a railroad company shall notify the commissioner as  
4068 soon as possible after the accident. Any notice given orally shall be  
4069 confirmed in writing within five days. Any railroad company that fails  
4070 to comply with this subsection shall be fined not more than five  
4071 hundred dollars for each offense.

4072 Sec. 164. Section 13b-325 of the general statutes is repealed and the  
4073 following is substituted in lieu thereof (*Effective January 1, 2010*):

4074 Any railroad company operating a railroad in the state may apply to  
4075 the Department of Public Transportation, Aviation and Ports for  
4076 certificates of public convenience and necessity pursuant to the  
4077 provisions of chapter 244 and, subject to the provisions thereof, so far  
4078 as the same may be applicable, may acquire, own and operate motor  
4079 vehicles for the purpose of carrying passengers for hire upon the  
4080 highways of the state at a fixed individual or per capita fare and for the  
4081 purpose of transporting property for hire upon such highways.

4082       Sec. 165. Section 13b-329 of the general statutes is repealed and the  
4083       following is substituted in lieu thereof (*Effective January 1, 2010*):

4084       (a) Each engine used upon a railroad shall be supplied with an  
4085       audible signal of sufficient amplification for existing circumstances,  
4086       which audible signal shall be so attached to such engine as to be  
4087       conveniently accessible to the engineer and in good order for use. Each  
4088       person controlling the motions of an engine on a railroad shall  
4089       commence sounding the audible signal when such engine is  
4090       approaching and is within eighty rods of the place where such railroad  
4091       crosses any highway at grade and shall keep such audible signal  
4092       occasionally sounding until such engine has crossed such highway,  
4093       provided when it appears to the Commissioner of Public  
4094       Transportation, Aviation and Ports, upon the written complaint of an  
4095       elected official of any town, city or borough wherein such crossing at  
4096       grade is located that public safety requires the commencing of the  
4097       sounding of the audible signal at a distance greater or lesser than  
4098       eighty rods from such crossing at grade, the Commissioner of Public  
4099       Transportation, Aviation and Ports shall make such order in relation  
4100       thereto as he deems advisable, provided in no event shall said  
4101       [Commissioner of Transportation] commissioner order the sounding of  
4102       any audible signal to commence at a distance of less than twenty-seven  
4103       rods from any crossing at grade. The company in whose service such  
4104       person may be shall pay all damages which may accrue to any person  
4105       in consequence of any omission to comply with any provision of this  
4106       subsection; and no railroad company shall knowingly employ an  
4107       engineer who has been twice convicted of violating any provision of  
4108       this subsection.

4109       (b) The Commissioner of Public Transportation, Aviation and Ports,  
4110       with the advice of the Commissioner of Environmental Protection may  
4111       establish by regulation the maximum decibel levels which may be  
4112       emitted by any audible signal attached to a train engine, provided such  
4113       maximum decibel level shall not be less than eighty-seven decibels.

4114 (c) Any railroad company operating any train engine which is  
4115 equipped with an audible signal which produces noise emissions in  
4116 excess of the maximum decibel levels allowed for such devices as  
4117 established by said Commissioner of Public Transportation, Aviation  
4118 and Ports is in violation of this section.

4119 Sec. 166. Section 13b-330 of the general statutes is repealed and the  
4120 following is substituted in lieu thereof (*Effective January 1, 2010*):

4121 Any railroad company operating a gasoline motor car upon its  
4122 railroad shall use on such car such device or devices, for giving  
4123 warning of the approach of such car to crossings of such railroad by  
4124 highways, as are approved by the Commissioner of Public  
4125 Transportation, Aviation and Ports, and the use of such device or  
4126 devices on such cars shall be construed to be a compliance with the  
4127 requirements of section 13b-329.

4128 Sec. 167. Section 13b-334 of the general statutes is repealed and the  
4129 following is substituted in lieu thereof (*Effective January 1, 2010*):

4130 When the selectmen of any town, the mayor and common council of  
4131 any city or the warden and burgesses of any borough bring their  
4132 petition in writing to the Commissioner of Public Transportation,  
4133 Aviation and Ports, representing that the public interest requires that  
4134 the blowing of the engine whistle at certain points within the limits of  
4135 such town, city or borough shall be dispensed with, the commissioner  
4136 shall appoint a time and place for hearing such petition and shall give  
4137 reasonable notice thereof to the petitioners and the company operating  
4138 such railroad. If, after such hearing, the commissioner is of the opinion  
4139 that the sounding of the whistle can be safely dispensed with, he shall  
4140 direct such company to omit such signal and require any other signal  
4141 in lieu thereof which he judges best. The commissioner may, at any  
4142 time, modify or annul any such order.

4143 Sec. 168. Section 13b-339 of the general statutes is repealed and the  
4144 following is substituted in lieu thereof (*Effective January 1, 2010*):

4145 Any person traveling upon any public highway, which is crossed by  
4146 the tracks of any railroad company, who is obstructed or prevented  
4147 from crossing such tracks for a longer time than five minutes, by  
4148 reason of any train, car or locomotive using or occupying such  
4149 highway, or by any gate, may recover twenty-five dollars and costs  
4150 from the corporation or person owning or operating such railroad,  
4151 provided suit shall be brought within thirty days from the date of such  
4152 obstruction. The person first filing notice with the Commissioner of  
4153 Public Transportation, Aviation and Ports of intention to bring suit  
4154 under the provisions of this section shall be entitled to the only  
4155 recovery for any such obstruction.

4156 Sec. 169. Section 13b-340 of the general statutes is repealed and the  
4157 following is substituted in lieu thereof (*Effective January 1, 2010*):

4158 The Commissioner of Public Transportation, Aviation and Ports  
4159 may forbid any railroad company to use for switching purposes or  
4160 standing trains such portion of its tracks upon or across any highway  
4161 as in his opinion public convenience requires should not be so used;  
4162 and he may limit the number of tracks which a company may lay upon  
4163 or across a highway for side tracks or switching purposes, and may  
4164 order any such company to remove such of the side tracks or switching  
4165 tracks upon or across any highway as the commissioner deems public  
4166 convenience or safety requires should be removed.

4167 Sec. 170. Section 13b-341 of the general statutes is repealed and the  
4168 following is substituted in lieu thereof (*Effective January 1, 2010*):

4169 The Commissioner of Public Transportation, Aviation and Ports,  
4170 when requested in writing by the selectmen of any town, the mayor of  
4171 any city or the warden of any borough to forbid the use for switching  
4172 purposes of the tracks of any company where the same cross any  
4173 highway within such town, city or borough, shall visit such crossing,  
4174 first giving reasonable notice to the authorities making such request  
4175 and to such company, and, if he finds that public convenience requires,  
4176 shall order the company operating such railroad not to use the same,

4177 or such part thereof as may be specified in such order, for switching  
4178 purposes, and may make any order regulating such switching that he  
4179 deems advisable; and, upon like application and notice, shall make  
4180 such orders in regard to the laying of side tracks or tracks for  
4181 switching purposes upon or across such highways, or for the removal  
4182 of such tracks already laid, as he deems advisable. The commissioner  
4183 may change any such order, after giving such town, city or borough  
4184 and such company an opportunity to be heard.

4185 Sec. 171. Section 13b-342 of the general statutes is repealed and the  
4186 following is substituted in lieu thereof (*Effective January 1, 2010*):

4187 The Commissioner of Public Transportation, Aviation and Ports  
4188 may make orders for the regulation of the speed at which locomotives  
4189 and cars shall cross highways and generally may make all orders  
4190 which he deems necessary to prevent inconvenience to the public  
4191 relating to the crossing or obstruction of highways by locomotives and  
4192 cars. Any company which violates any such order shall forfeit to the  
4193 state fifty dollars for each day of such violation.

4194 Sec. 172. Section 13b-343 of the 2008 supplement to the general  
4195 statutes is repealed and the following is substituted in lieu thereof  
4196 (*Effective January 1, 2010*):

4197 The Commissioner of Public Transportation, Aviation and Ports,  
4198 when requested in writing by the selectmen of any town, the mayor  
4199 and common council of any city or the warden and burgesses of any  
4200 borough to order gates, a flagman or electric signals or other signal  
4201 device to be installed and maintained at any railroad crossing where a  
4202 railroad crosses a public highway at grade within such town, city or  
4203 borough, shall hold a hearing thereon or may, of his own motion, hold  
4204 such hearing, first giving the town, city or borough wherein the  
4205 crossing is located, and the company operating the railroad, reasonable  
4206 notice thereof. If the commissioner upon such hearing finds that public  
4207 safety requires it, the commissioner shall order such company to install  
4208 and maintain, at such crossing, gates, a flagman or such electric signals

4209 or other signal device as may be approved by the commissioner, or to  
4210 do any other act deemed necessary for the protection of the public. The  
4211 commissioner may rescind, alter or amend any such order, whenever  
4212 the commissioner deems it necessary, upon first giving the  
4213 municipality wherein the crossing is located and the railroad company  
4214 an opportunity to be heard thereon. If any such company fails to  
4215 comply with any order of the commissioner made pursuant to this  
4216 section, it shall forfeit to the state fifty dollars for each day of such  
4217 failure. The commissioner shall notify state and municipal elected  
4218 officials of affected towns of the reactivation of any railroad line not  
4219 later than forty-five days from notification to the Department of Public  
4220 Transportation, Aviation and Ports, by the railroad, of such  
4221 reactivation. The commissioner, or the commissioner's designee, shall  
4222 determine if a public hearing on the safety of rail crossings is required  
4223 on the reactivated railroad line, provided, if a state or municipal  
4224 official requests a public hearing, the commissioner shall hold a public  
4225 hearing. Any such hearing shall be scheduled not later than ninety  
4226 days prior to the reactivation of such railroad line. Any comments or  
4227 recommendations on railroad safety that are provided to the public  
4228 hearing officer during the public hearing shall be reviewed and  
4229 incorporated, as deemed appropriate by the commissioner, to address  
4230 concerns raised at the hearing.

4231 Sec. 173. Section 13b-344 of the general statutes is repealed and the  
4232 following is substituted in lieu thereof (*Effective January 1, 2010*):

4233 (a) Each town, city or borough shall place, inspect and maintain  
4234 warning signs and pavement markings consisting of stop lines and  
4235 advance warning markings on each highway approaching a crossing at  
4236 grade of such highway and the tracks of any railroad within the  
4237 respective limits of such town, city or borough. Such signs shall be  
4238 furnished by the railroad company crossing such highway. Such signs  
4239 and pavement markings shall conform with the Federal Highway  
4240 Administration's Manual on Uniform Traffic Control Devices and shall  
4241 be placed in a manner that conforms with said manual. If in the case of



4242 any such crossing it appears that the placing of the signs prescribed by  
4243 this section is impracticable or unnecessary, the Commissioner of  
4244 Public Transportation, Aviation and Ports may release such  
4245 municipality from the obligation of placing and maintaining such signs  
4246 on the highway near such crossing. The railroad company operating  
4247 over such crossing, or the private party or corporation owning a  
4248 railroad right-of-way, shall annually notify in writing the appropriate  
4249 town, city, borough or, in the case of a state highway, the  
4250 Commissioner of Public Transportation, Aviation and Ports of the  
4251 location of all railroad crossings within the respective limits of such  
4252 town, city or borough and the obligations of such town, city or  
4253 borough under the provisions of this subsection. The commissioner  
4254 shall provide each such railroad company, private party or corporation  
4255 with a list of the towns, cities and boroughs to be notified in  
4256 accordance with this subsection. Such list shall include the name and  
4257 address of the official to whom such notification shall be delivered.

4258 (b) Each town, city or borough, upon receipt of a report of a  
4259 malfunctioning grade crossing gate or signal shall dispatch local police  
4260 or firemen to the crossing who shall, upon consultation with the  
4261 railroad company crossing such highway, either direct traffic across  
4262 the crossing or to an alternate route until such time as the railroad  
4263 company crossing such highway repairs the gate or signal or assumes  
4264 responsibility for directing traffic.

4265 Sec. 174. Section 13b-345 of the general statutes is repealed and the  
4266 following is substituted in lieu thereof (*Effective January 1, 2010*):

4267 (a) The Commissioner of Public Transportation, Aviation and Ports  
4268 shall investigate conditions surrounding all railroad crossings with  
4269 public highways at grade and determine at which of such crossings  
4270 public safety reasonably requires that any person traveling upon the  
4271 highway shall come to a stop or proceed with caution before passing  
4272 over the tracks at such crossing. The commissioner may require the  
4273 railroad company at each of such crossings so determined to erect and

4274 maintain on the highway and within the limits of its right-of-way a  
4275 "stop", "caution" or other sign of a type approved by the commissioner,  
4276 and may require the company at any grade crossing to erect and  
4277 maintain stop, caution, warning or other signs of a type approved by  
4278 the commissioner, but where the tracks cross at grade on state  
4279 highways, the State Traffic Commission shall prescribe the nature of  
4280 traffic control devices and traffic control measures to be installed at  
4281 such grade crossings. When traffic control measures are to be installed  
4282 on state highways, they shall be furnished and installed by the  
4283 Commissioner of Public Transportation, Aviation and Ports.

4284 (b) The commissioner shall require each railroad company operating  
4285 trains at or above twenty-five miles per hour, at all of its crossings at  
4286 grade with gates or signals, to erect and maintain, within the limits of  
4287 its right-of-way, a sign advising the public to call the 911 emergency  
4288 telecommunications number upon the malfunctioning of any grade  
4289 crossing gates or signals. Such sign shall be of a type approved by the  
4290 commissioner or the State Traffic Commission.

4291 (c) The commissioner shall require each railroad company to  
4292 maintain logs, subject to the inspection of the department, listing all  
4293 reports of the malfunctioning of its grade crossing gates or signals.  
4294 Each log shall contain information concerning all investigations and  
4295 actions taken by the company to repair the malfunctioning gates or  
4296 signals. Each company shall report to the municipality all actions taken  
4297 to repair any malfunctioning gates or signals within the municipality.

4298 (d) Each railroad company, upon receiving a report of the  
4299 malfunctioning of one of its crossing gates or signals, shall  
4300 immediately investigate such report and repair any malfunction. Such  
4301 inspection shall not be completed from a moving train.

4302 Sec. 175. Section 13b-345a of the general statutes is repealed and the  
4303 following is substituted in lieu thereof (*Effective January 1, 2010*):

4304 Any town, city or borough may petition the Department of Public

4305     Transportation, Aviation and Ports to provide a mandatory stop on  
4306     any municipal or state highway approaching a crossing at grade. Upon  
4307     receipt of any such petition, the department shall fix a time and place  
4308     of hearing, within a reasonable time, and shall provide notice of such  
4309     hearing to the public through publication of notice in a newspaper  
4310     having general circulation in the town, city or borough where such  
4311     crossing is located. Within sixty days of the hearing the department  
4312     shall render a written decision on the petition.

4313     Sec. 176. Section 13b-348 of the general statutes is repealed and the  
4314     following is substituted in lieu thereof (*Effective January 1, 2010*):

4315     The power to regulate the speed of railroad trains within the limits  
4316     of cities and boroughs shall be vested exclusively in the Commissioner  
4317     of Public Transportation, Aviation and Ports.

4318     Sec. 177. Section 13b-349 of the general statutes is repealed and the  
4319     following is substituted in lieu thereof (*Effective January 1, 2010*):

4320     No railroad company shall operate any regularly scheduled train for  
4321     the transportation of passengers which is propelled by a locomotive  
4322     attached to the cars in any other manner than at the rear of such  
4323     locomotive, unless authorized by the Commissioner of Public  
4324     Transportation, Aviation and Ports after hearing and under such  
4325     limitations as the commissioner may prescribe. The provisions of this  
4326     section shall not apply to locomotives while trains are being made up  
4327     in yards, or while switching, or in emergencies which interrupt the  
4328     regular schedule of trains. Any railroad company which operates any  
4329     train in violation of the provisions of this section shall forfeit fifty  
4330     dollars to the state.

4331     Sec. 178. Section 13b-351 of the general statutes is repealed and the  
4332     following is substituted in lieu thereof (*Effective January 1, 2010*):

4333     Each railroad company shall maintain a convenient and safe  
4334     approach for vehicles to each of its passenger stations from the

4335 highway and, for a reasonable time before and after the arrival of any  
4336 passenger train stopping at such station, shall keep such approach free  
4337 from obstruction. The Commissioner of Public Transportation,  
4338 Aviation and Ports may make such orders as he deems necessary and  
4339 reasonable in each such case to which his attention is called. Any  
4340 company violating such an order shall forfeit to the state one hundred  
4341 dollars for each day of such violation.

4342 Sec. 179. Section 13b-353 of the general statutes is repealed and the  
4343 following is substituted in lieu thereof (*Effective January 1, 2010*):

4344 Each company operating a railroad shall maintain at each regular  
4345 passenger station such suitable water closets as in the judgment of the  
4346 Commissioner of Public Transportation, Aviation and Ports the public  
4347 convenience may require. The commissioner may make all necessary  
4348 orders relating thereto and enforce the same by mandamus in the  
4349 name of the state.

4350 Sec. 180. Section 13b-354a of the general statutes is repealed and the  
4351 following is substituted in lieu thereof (*Effective January 1, 2010*):

4352 (a) Every railroad shall maintain and keep clear of debris the  
4353 margins alongside their tracks on their right-of-way and alongside  
4354 their yard tracks used for switching operations where railroad  
4355 employees are required to walk in the course of their duties. Such  
4356 margins constitute the area between the ends of the ties and a distance  
4357 of nine feet on either side of the center line of any track in any yard.  
4358 Each railroad shall keep the area around any switch in any such yard  
4359 clear of debris for a distance of nine feet on either side of the center line  
4360 of any tracks wherein any such switch is located. Such debris shall  
4361 include, but not be limited to, used or discarded brake shoes, air hoses,  
4362 railroad ties, or portions thereof, parts of railroad cars or locomotives,  
4363 lumber and oil, grease or waste of any type. Debris does not include  
4364 track materials being placed on or removed from the tracks under  
4365 maintenance or replacement programs concerning which the railroad  
4366 has notified its employees of the presence and location of such

4367 materials.

4368 (b) If after fifteen days all normal collective bargaining procedures  
4369 or those specified in state or federal regulations have failed to resolve a  
4370 debris condition as specified in this section, upon the filing by a  
4371 recognized railroad labor representative, as defined by the Railway  
4372 Labor Act, 45 USC 151 to 159a, inclusive, as from time to time  
4373 amended, of a written, verified complaint with the railroad  
4374 superintendent of the division involved and with the Department of  
4375 Public Transportation, Aviation and Ports, designating the nature of  
4376 the debris and the particular area or location where any of the above-  
4377 described debris has existed for a period of at least seventy-two hours,  
4378 the superintendent of the division shall advise the complainant as well  
4379 as the Department of Public Transportation, Aviation and Ports within  
4380 ten days as to the specific remedies or actions said superintendent  
4381 intends to take to resolve the complaint. If the superintendent takes  
4382 issue or disagrees with the verified complaint filed by the designated  
4383 railroad labor representative, he shall within ten days so notify said  
4384 representative and the Department of Public Transportation, Aviation  
4385 and Ports. The Department of Public Transportation, Aviation and  
4386 Ports shall be allowed a period of fifteen days to determine the  
4387 veracity of said complaint. If the complaint proves to be correct as  
4388 verified by the Department of Public Transportation, Aviation and  
4389 Ports inspector, the Department of Public Transportation, Aviation and  
4390 Ports shall then issue appropriate orders to the railroad specifying that  
4391 the conditions be rectified within ten days. At the end of the tenth day,  
4392 if the conditions still persist, the Department of Public Transportation,  
4393 Aviation and Ports shall be empowered to fine the railroad the sum of  
4394 fifty dollars per day until such time as the complaint has been rectified.

4395 (c) The Department of Public Transportation, Aviation and Ports  
4396 shall adopt regulations, in accordance with chapter 54, to carry out the  
4397 provisions of this section.

4398 Sec. 181. Section 13b-355 of the general statutes is repealed and the

4399 following is substituted in lieu thereof (*Effective January 1, 2010*):

4400 The Commissioner of Public Transportation, Aviation and Ports,  
4401 whenever requested by twenty electors residing within two miles of  
4402 any station on a railroad in this state, or by the first selectman of the  
4403 town, the mayor of the city or the warden of the borough in which  
4404 such station is located, shall require the company owning such station  
4405 to bulletin the arrival and departure of all trains over ten minutes late.  
4406 No such order shall be rescinded except after hearing by the  
4407 commissioner held at or near such station, after reasonable notice by  
4408 mail to the signers of such request. Any company failing to comply  
4409 with such order shall forfeit to the state fifty dollars for each day of  
4410 such neglect.

4411 Sec. 182. Section 13b-375 of the general statutes is repealed and the  
4412 following is substituted in lieu thereof (*Effective January 1, 2010*):

4413 On application of the Commissioner of Public Transportation,  
4414 Aviation and Ports or of the Attorney General, the superior court for  
4415 the judicial district of Hartford may enforce, by appropriate decree or  
4416 process, any provision of this chapter and chapters 245 and 245a or any  
4417 valid order of the Commissioner of Public Transportation, Aviation  
4418 and Ports pursuant to these chapters.

4419 Sec. 183. Section 13b-376 of the general statutes is repealed and the  
4420 following is substituted in lieu thereof (*Effective January 1, 2010*):

4421 (a) There is established an Operation Lifesaver Committee which  
4422 shall be within the Department of [Transportation] Highways for  
4423 administrative purposes only. The committee shall establish an  
4424 operation lifesaver program designed to reduce the number of  
4425 accidents at railway crossings and to increase the public awareness of  
4426 railroad crossing hazards. Said committee shall consist of the  
4427 Commissioner of [Transportation] Highways or his designee, the  
4428 Commissioner of Education or his designee, and the Commissioner of  
4429 Public Safety or his designee, and six members appointed as follows:

4430 Two representatives of civic organizations, one appointed by the  
4431 president pro tempore of the Senate and one appointed by the  
4432 minority leader of the House of Representatives, a representative of  
4433 the railroad industry appointed by the speaker of the House of  
4434 Representatives, a representative of a parent teacher association  
4435 appointed by the majority leader of the Senate, a representative of a  
4436 local law enforcement agency appointed by the majority leader of the  
4437 House of Representatives and a local government official appointed by  
4438 the minority leader of the Senate. The Commissioner of  
4439 [Transportation] Highways or his designee shall serve as chairperson  
4440 of the committee. The committee shall meet at such times as it deems  
4441 necessary.

4442 (b) The Operation Lifesaver Committee shall: (1) Administer and  
4443 operate the operation lifesaver program; (2) establish committees to  
4444 promote the program on the local level; (3) educate the public with  
4445 information designed to reduce the number of accidents, deaths and  
4446 injuries at railroad and at-grade crossings; (4) encourage state and local  
4447 law enforcement agencies to vigorously enforce the law governing  
4448 motorist and pedestrian rights and responsibilities; (5) encourage the  
4449 development of engineering and safety improvements; (6) encourage  
4450 the maintenance of railroad and at-grade crossings; (7) make  
4451 recommendations to the General Assembly implementing the  
4452 purposes of the committee. The committee shall annually review its  
4453 progress and submit its findings and recommendation to the joint  
4454 standing committee of the General Assembly having cognizance of  
4455 matters relating to transportation.

4456 (c) The Department of [Transportation] Highways may adopt  
4457 regulations, in accordance with the provisions of chapter 54, to carry  
4458 out the purposes of this section.

4459 Sec. 184. Section 13b-389 of the general statutes is repealed and the  
4460 following is substituted in lieu thereof (*Effective January 1, 2010*):

4461 (a) No person shall operate any motor vehicle in the transportation

4462 of household goods for hire as a household goods carrier without first  
4463 having obtained from the Commissioner of Public Transportation,  
4464 Aviation and Ports, after hearing, a certificate of public convenience  
4465 and necessity to so operate.

4466 (b) Any person, other than a household goods carrier who has  
4467 obtained such certificate, who holds himself or herself out as a  
4468 household goods carrier with intent to obtain a benefit or to injure or  
4469 defraud another, shall be guilty of a class B misdemeanor.

4470 Sec. 185. Section 13b-390 of the general statutes is repealed and the  
4471 following is substituted in lieu thereof (*Effective January 1, 2010*):

4472 Upon the filing of an application and the payment of the fee  
4473 prescribed, the Commissioner of Public Transportation, Aviation and  
4474 Ports shall, within a reasonable time, fix the time and place for a  
4475 hearing thereon and shall promptly give written notice thereof to such  
4476 parties in interest as the commissioner deems necessary and give  
4477 public notice thereof at least one week prior to such hearing.

4478 Sec. 186. Section 13b-391 of the general statutes is repealed and the  
4479 following is substituted in lieu thereof (*Effective January 1, 2010*):

4480 After the hearing provided for in section 13b-390, the Commissioner  
4481 of Public Transportation, Aviation and Ports may issue to the applicant  
4482 a certificate of public convenience and necessity in a form to be  
4483 prescribed by him or may refuse to issue the same, or may issue it for  
4484 the partial exercise only of the privilege sought, and may prescribe  
4485 therein such limitations as in his judgment public interest may require.

4486 Sec. 187. Section 13b-392 of the general statutes is repealed and the  
4487 following is substituted in lieu thereof (*Effective January 1, 2010*):

4488 In determining whether or not such a certificate shall be granted, the  
4489 Commissioner of Public Transportation, Aviation and Ports shall take  
4490 into consideration the existing motor transportation facilities and the  
4491 effect upon them of granting such certificate, the public need for the



4492 service the applicant proposes to render, the suitability of the  
4493 applicant, or the suitability of the management if the applicant is a  
4494 corporation, the financial responsibility of the applicant, the ability of  
4495 the applicant efficiently to perform the service for which authority is  
4496 requested, the condition of and effect upon the highways involved and  
4497 the safety of the public using such highways. The commissioner shall  
4498 take into consideration such recommendations as to motor  
4499 transportation facilities, or highways, or the effect of granting such  
4500 certificate upon either of them, or the safety of the public using such  
4501 highways. No such certificate shall be denied solely on the ground that  
4502 there is an existing rail or household goods carrier service. When it  
4503 appears that no household goods carrier service is being supplied over  
4504 the route or routes applied for, public convenience and necessity shall  
4505 be presumed to require operation of such service.

4506 Sec. 188. Section 13b-393 of the general statutes is repealed and the  
4507 following is substituted in lieu thereof (*Effective January 1, 2010*):

4508 (a) Each household goods carrier required to procure a certificate  
4509 under this chapter shall file with the Commissioner of Public  
4510 Transportation, Aviation and Ports in simple and concise form an exact  
4511 schedule or schedules of rates and charges for transportation to be  
4512 rendered or furnished within this state and show the terminal or other  
4513 services included therein. The commissioner may prescribe maximum  
4514 or minimum or maximum and minimum rates or charges for  
4515 substantially the same or similar service performed by the various  
4516 household goods carriers, and may, upon his own motion or upon  
4517 petition by an interested party, after hearing, prescribe reasonable  
4518 regulations and maximum or minimum or maximum and minimum  
4519 rates or charges covering the operations of household goods carriers.  
4520 Rates and charges shall be just and reasonable and reasonably  
4521 compensatory, except that a rate may be established to meet the  
4522 existing rate of a competing household goods carrier or a household  
4523 goods carrier not subject to this chapter.

4524 (b) Carriers of household goods by motor vehicle may establish  
4525 reasonable through routes and joint rates, charges and classifications  
4526 with other such carriers or with household goods carriers by railroad,  
4527 or express, or water or with any two or more thereof. In case of such  
4528 joint rates, fares or charges, the carriers who are parties thereto shall  
4529 establish just and reasonable regulations and practices in connection  
4530 therewith, and just, reasonable and equitable division thereof as  
4531 between carriers participating therein which shall not unfairly prefer  
4532 or prejudice any of such participating carriers. If the carriers fail to  
4533 agree upon such a division between them of joint rates, fares or  
4534 charges, the Commissioner of Public Transportation, Aviation and  
4535 Ports shall, after hearing, establish by order such a division.

4536 Sec. 189. Section 13b-395 of the general statutes is repealed and the  
4537 following is substituted in lieu thereof (*Effective January 1, 2010*):

4538 Rates and charges filed with the Commissioner of Public  
4539 Transportation, Aviation and Ports by a household goods carrier may  
4540 be changed only after thirty days' notice to the commissioner, except  
4541 when such change is to enable a household goods carrier to meet the  
4542 rate of a competing household goods carrier or household goods  
4543 carrier not subject to this chapter as hereinafter provided for, and  
4544 except that the commissioner may allow changes on shorter notice for  
4545 good cause shown. The commissioner may, upon protest of any  
4546 interested party filed within twenty days from the date of an  
4547 application for a change of rate or, upon his own initiative, at once,  
4548 hold a hearing concerning such rate, and, pending such hearing and  
4549 the decision thereon, the commissioner may suspend the operation of  
4550 such schedule and defer the use of such rate, but not for a longer  
4551 period than sixty days beyond the time when it would otherwise go  
4552 into effect; and, after hearing, whether completed before or after the  
4553 rate goes into effect, the commissioner may allow or disallow or  
4554 prescribe the rate or rates. If the proceeding has not been concluded  
4555 and an order made within the period of suspension, the proposed  
4556 change of rates shall go into effect at the end of such period. When the

4557 change in rates and charges as filed with the commissioner is to enable  
4558 the filing carrier to meet the rate published and filed by a competing  
4559 household goods carrier or a household goods carrier not subject to  
4560 this chapter, such change in rate may become effective upon the  
4561 effective date of the rate of the competing household goods carrier or  
4562 household goods carrier not subject to this chapter, provided such rate  
4563 shall be published and filed prior to the effective date of the rates or  
4564 charges of the competing household goods carrier or household goods  
4565 carrier not subject to this chapter; and, if such change in rates and  
4566 charges has been published and filed subsequent to the effective date  
4567 of the rate of the competing household goods carrier or household  
4568 goods carrier not subject to this chapter, the effective date of such  
4569 change in rate and the filing of the tariff or supplement providing  
4570 therefor shall be consistent with such reasonable regulations as may be  
4571 prescribed by the commissioner, but the effective date of such rate  
4572 shall not be deferred for a longer period than thirty days beyond the  
4573 time when such rate was filed with the commissioner.

4574 Sec. 190. Section 13b-396a of the general statutes is repealed and the  
4575 following is substituted in lieu thereof (*Effective January 1, 2010*):

4576 A printed advertisement concerning a household goods carrier shall  
4577 conspicuously state the number of the certificate issued to such  
4578 household goods carrier by the Department of Public Transportation,  
4579 Aviation and Ports pursuant to section 13b-391, and shall  
4580 conspicuously state the number of any permit or registration issued to  
4581 such carrier by the United States Department of Transportation.

4582 Sec. 191. Section 13b-398 of the general statutes is repealed and the  
4583 following is substituted in lieu thereof (*Effective January 1, 2010*):

4584 No motor contract carrier shall operate any motor vehicle for the  
4585 transportation of household goods for hire on any highway within this  
4586 state unless there is in force with respect to such carrier a permit issued  
4587 by the Commissioner of Public Transportation, Aviation and Ports  
4588 authorizing such operation.

4589       Sec. 192. Section 13b-399 of the general statutes is repealed and the  
4590       following is substituted in lieu thereof (*Effective January 1, 2010*):

4591       Upon the filing of an application for a permit and the payment of  
4592       the fee prescribed, the Commissioner of Public Transportation,  
4593       Aviation and Ports shall, within a reasonable time, fix the time and  
4594       place for a hearing thereon and shall promptly give written notice  
4595       thereof to all parties in interest as the commissioner deems necessary  
4596       and give public notice thereof at least one week prior to such hearing.

4597       Sec. 193. Section 13b-400 of the general statutes is repealed and the  
4598       following is substituted in lieu thereof (*Effective January 1, 2010*):

4599       Such a permit shall be issued to any applicant if it appears that the  
4600       applicant is fit, financially responsible, willing and able to perform the  
4601       service of a motor contract carrier and to conform to the provisions of  
4602       this chapter and the requirements and regulations of the  
4603       Commissioner of Public Transportation, Aviation and Ports made  
4604       thereunder and that the proposed operation is not inconsistent with  
4605       the public interest. In determining whether the proposed operation is  
4606       inconsistent with the public interest the commissioner shall take into  
4607       consideration such recommendations as to the maintenance of an  
4608       adequate transportation system designed to meet the needs of the  
4609       public. The commissioner shall have power to decide the question of  
4610       financial responsibility on the individual merits of the applicant and to  
4611       require that such financial responsibility be adequate. The  
4612       commissioner, on July first annually and upon payment of a fee of ten  
4613       dollars, shall issue to an applicant, with the permit, a decal  
4614       representing the applicant's authority to operate within the state. The  
4615       decal shall be conspicuously displayed on the side of each vehicle in a  
4616       manner prescribed by the commissioner.

4617       Sec. 194. Section 13b-401 of the general statutes is repealed and the  
4618       following is substituted in lieu thereof (*Effective January 1, 2010*):

4619       The Commissioner of Public Transportation, Aviation and Ports

4620 shall specify in the permit the operations covered thereby and shall  
4621 attach to it, at the time of issuance and from time to time thereafter,  
4622 such terms and conditions not inconsistent with the character of the  
4623 holder as a motor contract carrier as the public interest may require.

4624 Sec. 195. Section 13b-402 of the general statutes is repealed and the  
4625 following is substituted in lieu thereof (*Effective January 1, 2010*):

4626 (a) The Commissioner of Public Transportation, Aviation and Ports,  
4627 of his own motion, may, and, on petition of any interested party, after  
4628 hearing, shall, prescribe regulations, minimum rates and charges  
4629 covering the operation of motor contract carriers in competition with  
4630 household goods carriers over the highways within this state and,  
4631 upon petition of any interested party, after hearing, shall prescribe  
4632 minimum rates and charges for motor contract carriers operating upon  
4633 said highways.

4634 (b) Such minimum rates and charges of motor contract carriers so  
4635 prescribed by the Commissioner of Public Transportation, Aviation  
4636 and Ports shall give no advantage or preference to any such carrier in  
4637 competition with any household goods carrier by motor vehicle subject  
4638 to this chapter which the commissioner finds to be undue or  
4639 inconsistent with the public interest.

4640 (c) Each motor contract carrier shall file with the Commissioner of  
4641 Public Transportation, Aviation and Ports under such regulations as he  
4642 may prescribe, the minimum rates charged by such contract carrier in  
4643 the performance of its transportation service including such changes in  
4644 minimum rates as such motor contract carrier may make from time to  
4645 time.

4646 Sec. 196. Section 13b-406 of the general statutes is repealed and the  
4647 following is substituted in lieu thereof (*Effective January 1, 2010*):

4648 Any certificate or permit may be assigned and transferred by the  
4649 holder, his assignee, receiver or trustee, or by the holder's personal

4650 representative or the surviving partner or partners of the deceased  
4651 partner's personal representative to whom the rights and privileges  
4652 under such certificate or permit shall pass at the death of the holder.  
4653 The Commissioner of Public Transportation, Aviation and Ports may  
4654 prescribe the conditions precedent to such transfer and may make any  
4655 necessary regulations pertaining thereto. Each application for such  
4656 transfer shall be accompanied by a fee of fifty dollars.

4657       Sec. 197. Section 13b-407 of the general statutes is repealed and the  
4658 following is substituted in lieu thereof (*Effective January 1, 2010*):

4659       The Commissioner of Public Transportation, Aviation and Ports  
4660 may revoke or suspend any certificate or permit for wilful and  
4661 repeated violations of any of the provisions of this chapter or the  
4662 regulations of the commissioner made under authority thereof, after  
4663 opportunity for a hearing, of which at least seven days' notice has been  
4664 given to the holder of such certificate or permit, in accordance with the  
4665 provisions of chapter 54.

4666       Sec. 198. Section 13b-408 of the general statutes is repealed and the  
4667 following is substituted in lieu thereof (*Effective January 1, 2010*):

4668       Any certificate or permit shall remain in effect until revoked or  
4669 suspended by the Commissioner of Public Transportation, Aviation  
4670 and Ports as herein provided.

4671       Sec. 199. Section 13b-409 of the general statutes is repealed and the  
4672 following is substituted in lieu thereof (*Effective January 1, 2010*):

4673       No person shall hold at the same time a certificate as a household  
4674 goods carrier and a permit as a motor contract carrier, unless for good  
4675 cause shown the Commissioner of Public Transportation, Aviation and  
4676 Ports finds that both may be held consistently with the public interest.

4677       Sec. 200. Section 13b-410 of the general statutes are repealed and the  
4678 following is substituted in lieu thereof (*Effective January 1, 2010*):

4679 (a) The Commissioner of Public Transportation, Aviation and Ports  
4680 is authorized to prescribe and establish such reasonable regulations for  
4681 household goods carriers and motor contract carriers operating in  
4682 intrastate commerce as the commissioner deems necessary with  
4683 respect to rates and charges, issuance of certificates or permits,  
4684 classification of carriers, abandonment or suspension of service, routes,  
4685 speed, adequacy of service, financial responsibility, insurance covering  
4686 personal injury, property damage and cargo, uniform system of  
4687 accounts, records, reports, safety of operation and equipment and the  
4688 public convenience and safety. Not later than July 1, 2003, the  
4689 commissioner shall adopt regulations, in accordance with chapter 54,  
4690 establishing a procedure for the resolution of claims disputes between  
4691 household goods carriers and motor contract carriers operating in  
4692 intrastate commerce and their customers. To prevent unjust  
4693 discrimination, undue preference or prejudice between shippers or  
4694 consignees and household goods carriers transporting household  
4695 goods in intrastate commerce, the commissioner may prescribe and  
4696 establish settlement of claims governing the payment of tariff charges,  
4697 including regulations for weekly or monthly settlement, in the delivery  
4698 or transfer of possession or title of household goods between shippers,  
4699 consignees and household goods carriers transporting household  
4700 goods in intrastate commerce. This authorization shall not be  
4701 construed to prohibit any household goods carrier from extending  
4702 credit in connection with rates and charges on household goods  
4703 transported for any branch of the government of the United States or  
4704 any department of the state, or for any county, city, borough or town.

4705 (b) The commissioner, after notice and hearing, may impose a civil  
4706 penalty of not more than one hundred dollars for each violation of a  
4707 provision of the regulations adopted pursuant to subsection (a) of this  
4708 section. Each day on which the violation occurs shall be deemed a  
4709 separate offense.

4710 Sec. 201. Section 13b-410c of the general statutes is repealed and the  
4711 following is substituted in lieu thereof (*Effective January 1, 2010*):

4712 (a) Each application for an intrastate household goods carrier  
4713 certificate or motor contract carrier permit shall be made in writing in  
4714 such form as the Commissioner of Public Transportation, Aviation and  
4715 Ports may prescribe, shall be verified by oath, contain such  
4716 information as said commissioner may require and be accompanied by  
4717 a nonrefundable fee of one hundred seventy-seven dollars.

4718 (b) The Commissioner of Public Transportation, Aviation and Ports  
4719 shall adopt regulations in accordance with chapter 54 to provide for  
4720 the payment of annual fees by intrastate household goods carriers and  
4721 intrastate motor contract carriers for filing with the state of proof of  
4722 insurance. Such fee shall be seventeen dollars and fifty cents for each  
4723 vehicle that such a carrier intends to operate in intrastate service.

4724 Sec. 202. Section 13b-411 of the general statutes is repealed and the  
4725 following is substituted in lieu thereof (*Effective January 1, 2010*):

4726 Nothing in this chapter shall apply to rates charged, minimum or  
4727 otherwise, for the transportation of household goods by motor vehicle  
4728 for a household goods carrier not subject to this chapter, when the  
4729 service rendered is a combination of railroad and motor vehicle and  
4730 when the rate charged the public for transporting such goods has been  
4731 published and filed with the Commissioner of Public Transportation,  
4732 Aviation and Ports or the Interstate Commerce Commission or its  
4733 successor agency.

4734 Sec. 203. Section 13b-413 of the general statutes is repealed and the  
4735 following is substituted in lieu thereof (*Effective January 1, 2010*):

4736 Any person aggrieved by any order, authorization or decision of the  
4737 Commissioner of Public Transportation, Aviation and Ports under the  
4738 provisions of this chapter may appeal therefrom in accordance with  
4739 the provisions of section 4-183.

4740 Sec. 204. Section 13b-414 of the general statutes is repealed and the  
4741 following is substituted in lieu thereof (*Effective January 1, 2010*):



4742 (a) Any person, including a carrier, shipper, consignee or broker or  
4743 any officer, employee or agent of such person who knowingly or  
4744 wilfully causes to be done any act prohibited by this chapter or who  
4745 knowingly violates or fails to comply with or knowingly procures, aids  
4746 or abets any violation of this chapter or fails to comply with any order,  
4747 decision or regulation of the Commissioner of Public Transportation,  
4748 Aviation and Ports, or who is guilty of any violation of this chapter for  
4749 which no penalty is otherwise provided, shall be fined not more than  
4750 five hundred dollars for the first offense and shall be fined not more  
4751 than two thousand dollars for any subsequent offense.

4752 (b) The commissioner, after notice and hearing, may impose a civil  
4753 penalty of not more than one hundred dollars for each offense on any  
4754 person, including a carrier, shipper, consignee or broker or any officer,  
4755 employee or agent of such person who violates any provision of this  
4756 chapter. Each day on which the violation occurs shall be deemed a  
4757 separate offense.

4758 (c) Notwithstanding any provision of the general statutes to the  
4759 contrary, any person who is alleged to have committed a violation  
4760 under the provisions of sections 13b-410a to 13b-410c, inclusive, or of  
4761 any regulation adopted in accordance with the provisions of  
4762 subsection (a) of section 13b-410 shall follow the procedures set forth  
4763 in section 51-164n of the 2008 supplement to the general statutes.

4764 Sec. 205. Section 15-1 of the general statutes is repealed and the  
4765 following is substituted in lieu thereof (*Effective January 1, 2010*):

4766 The Governor shall appoint a harbor master, and may appoint a  
4767 deputy harbor master, for each of the harbors of New Haven, Norwich,  
4768 Bridgeport, Stamford, Norwalk, Stonington, New London and  
4769 Branford, and may appoint a suitable number of harbor masters and  
4770 deputy harbor masters in any town in this state which has navigable  
4771 waters within its limits, provided the appointment of a harbor master  
4772 or deputy harbor master for the harbor of any municipality which has  
4773 adopted a harbor management plan, pursuant to chapter 444a, shall be

4774 made by the Governor from a list of not less than three nominees  
4775 submitted by the municipality's harbor management commission.  
4776 Appointments shall be for terms of three years from July first in the  
4777 year of the appointment and until a successor is appointed and  
4778 qualified except the term of office of any person appointed before or  
4779 after July first in any year to a newly created office of harbor master or  
4780 deputy harbor master shall begin on the day of the appointment and  
4781 expire on July first next succeeding the completion of the person's  
4782 third full year in office. Any appointment to fill a vacancy shall be for  
4783 the remainder of the term of the original appointee and until a  
4784 successor is appointed and qualified. Harbor masters shall have the  
4785 general care and supervision of the harbors and navigable waterways  
4786 over which they have jurisdiction, subject to the direction and control  
4787 of the Commissioner of Public Transportation, Aviation and Ports, and  
4788 shall be responsible to the commissioner for the safe and efficient  
4789 operation of such harbors and navigable waterways in accordance  
4790 with the provisions of this chapter. The harbor masters or deputy  
4791 harbor masters shall exercise their duties in a manner consistent with  
4792 any harbor management plan adopted pursuant to section 22a-113m  
4793 for a harbor over which they have jurisdiction. The commissioner may  
4794 delegate any of his powers and duties under this chapter to such  
4795 harbor masters or to any existing board of harbor commissioners, but  
4796 shall at all times be vested with responsibility for the overall  
4797 supervision of the harbors and navigable waterways of the state.

4798 Sec. 206. Section 15-9 of the general statutes is repealed and the  
4799 following is substituted in lieu thereof (*Effective January 1, 2010*):

4800 (a) When the master or owner of any vessel lying within the  
4801 navigable waters of this state, or the person having the same in charge,  
4802 wilfully neglects or refuses to obey the order of any harbor master  
4803 performing his duties under the provisions of this chapter, such harbor  
4804 master may cause such vessel to be removed at the expense of the  
4805 owner. Any such master, owner or person in violation of this section  
4806 shall be deemed to have committed an infraction and shall be fined

4807 eighty-five dollars.

4808 (b) A harbor master may notify any officer attached to an organized  
4809 police department or any state police officer that a master or owner of  
4810 a vessel is in violation of the provisions of subsection (a) of this section.  
4811 Any such officer may remove and take such vessel into custody and  
4812 shall give written notice by certified mail to the owner or master of  
4813 such vessel, if known, which notice shall state (1) that the vessel has  
4814 been taken into custody and stored, (2) the location of storage of the  
4815 vessel, (3) that such vessel may be sold after fifteen days if the market  
4816 value of such vessel does not exceed five hundred dollars or after  
4817 ninety days if the value of such vessel exceeds five hundred dollars,  
4818 and (4) that the owner has a right to contest the validity of such taking  
4819 by application, on a form prescribed by the Commissioner of Public  
4820 Transportation, Aviation and Ports, to the hearing officer named in  
4821 such notice within ten days from the date of such notice. Such  
4822 application forms shall be made readily available to the public at all  
4823 offices of the Department of Transportation and at all state and local  
4824 police departments.

4825 (c) The chief executive officer of each town may appoint a suitable  
4826 person, who shall not be a member of any state or local police  
4827 department, to be a hearing officer to hear applications to determine  
4828 whether or not the taking was authorized under the provisions of this  
4829 section. Two or more towns may join in appointing such officer;  
4830 provided any such hearing shall be held at a location which is as near  
4831 to the town where such vessel was located as is reasonable and  
4832 practicable. The commissioner shall establish by regulation the  
4833 qualifications necessary for hearing officers and procedures for the  
4834 holding of such hearings. If it is determined at such hearing that the  
4835 owner or master was in violation of subsection (a) of this section, the  
4836 owner or master of such vessel shall be liable for any expenses  
4837 incurred as a result of such removal, or the costs and expenses incident  
4838 to such removal, including legal expenses and court costs incurred in  
4839 such recovery. If it is determined at such hearing that the owner or

4840 master was not in violation of subsection (a) of this section, the owner  
4841 or master of such vessel shall not be liable for any expenses incurred as  
4842 a result of such removal or for the costs and expenses incident to such  
4843 removal, including legal expenses and court costs incurred in such  
4844 recovery. Any person aggrieved by the decision of such hearing officer  
4845 may, within fifteen days of the notice of such decision, appeal to the  
4846 superior court for the judicial district wherein such hearing was held.

4847 (d) The state or local police department which has custody of the  
4848 removed vessel shall have the power to sell such vessel at public  
4849 auction in accordance with the provisions of this section. The state or  
4850 local police department shall apply the avails of such sale toward the  
4851 payment of its charges, any storage charges and the payment of any  
4852 debt or obligation incurred by the officer who placed the same in  
4853 storage. Such sale shall be advertised in a newspaper published or  
4854 having a circulation in the town where such vessel is stored or other  
4855 place is located three times, commencing at least five days before such  
4856 sale; and, if the last place of abode of the owner of such vessel is  
4857 known to or may be ascertained by the state or local police by the  
4858 exercise of reasonable diligence, notice of the time and place of sale  
4859 shall be given him by mailing such notice to him in a registered or  
4860 certified letter, postage paid, at such last usual place of abode, at least  
4861 five days before the time of sale. The state or local police department  
4862 shall report the sales price, storing and towing charges, if any; buyer's  
4863 name and address; identification of the vessel and such other  
4864 information as may be required in regulations which shall be adopted  
4865 by the Commissioner of Public Transportation, Aviation and Ports in  
4866 accordance with the provisions of chapter 54, to the commissioner  
4867 within fifteen days after the sale of the vessel. The proceeds of such  
4868 sale, after deducting the amount due for any storage and all expenses  
4869 connected with such sale, including the expenses of the officer who  
4870 placed such vessel in storage, shall be paid to the owner of such vessel  
4871 or his legal representatives, if claimed by him or them at any time  
4872 within one year from the date of such sale. If such balance is not  
4873 claimed within said period, it shall escheat to the municipality from

4874 which the vessel was removed. If the expenses incurred by the  
4875 municipality for such removal and towing and the sale of such vessel  
4876 and any fines exceed the proceeds of such sale, the owner of the vessel  
4877 shall be liable for such excess amount. A vessel may not be sold in  
4878 accordance with the provisions of this section until: (1) The expiration  
4879 of the time period under subdivision (3) of subsection (b) of this  
4880 section and (2) a final decision has been rendered in connection with  
4881 an application filed pursuant to subdivision (4) of subdivision (b) of  
4882 this section.

4883 (e) The Commissioner of Public Transportation, Aviation and Ports  
4884 shall adopt regulations in accordance with the provisions of chapter  
4885 54, to carry out the provisions of this section.

4886 Sec. 207. Section 15-11a of the 2008 supplement to the general  
4887 statutes is repealed and the following is substituted in lieu thereof  
4888 (*Effective January 1, 2010*):

4889 (a) A duly authorized harbor master shall determine whether a  
4890 vessel is a derelict vessel. Upon such determination, the Commissioner  
4891 of Public Transportation, Aviation and Ports, such harbor master or a  
4892 duly authorized representative of a municipality may cause such  
4893 derelict vessel to be removed at the expense of any owner, agent or  
4894 operator of such derelict vessel and may recover the expense of such  
4895 removal, together with the costs and expenses incident to such  
4896 removal, including legal expenses and court costs incurred in such  
4897 recovery, from the owner, agent or operator of such vessel in an action  
4898 founded upon this section. The last owner of record of such vessel  
4899 shall be responsible for such vessel. After consultation with the  
4900 Commissioner of Public Transportation, Aviation and Ports, the  
4901 Commissioner of Environmental Protection may consider any such  
4902 vessel to be an encroachment subject to the provisions of sections 22a-  
4903 359 to 22a-363f, inclusive.

4904 (b) Prior to removing and taking such derelict vessel into custody,  
4905 the Commissioner of Public Transportation, Aviation and Ports, a

4906 duly authorized harbor master or a duly authorized representative of a  
4907 municipality shall make a reasonable attempt to notify the owner,  
4908 agent or operator of the vessel and shall allow such owner, agent or  
4909 operator to make arrangements for removal of the vessel. Such  
4910 notification shall inform the owner, agent or operator that, pursuant to  
4911 this section, if the vessel is not removed within twenty-four hours of  
4912 notification, it shall be removed, taken into custody and stored at the  
4913 owner's, agent's or operator's expense.

4914 (c) Prior to removing a derelict vessel, the Commissioner of Public  
4915 Transportation, Aviation and Ports, a duly authorized harbor master  
4916 or a duly authorized representative of a municipality shall affix to such  
4917 vessel a readily visible notification sticker. The notification sticker shall  
4918 contain the following information: (1) The date and time the  
4919 notification sticker was affixed to the vessel, (2) a statement that,  
4920 pursuant to this section, if the vessel is not removed within twenty-  
4921 four hours of the time the sticker was affixed, it shall be taken into  
4922 custody and stored at the owner's expense, (3) the location and  
4923 telephone number where additional information may be obtained, and  
4924 (4) the identity of the person who affixed the sticker.

4925 (d) If the derelict vessel is not removed by the owner, agent or  
4926 operator within the time period provided in subsection (c) of this  
4927 section, the Commissioner of Public Transportation, Aviation and  
4928 Ports, a duly authorized harbor master or a duly authorized  
4929 representative of a municipality may direct that such vessel be  
4930 removed and taken into custody and may cause the same to be stored  
4931 in a suitable place.

4932 (e) If a derelict vessel is removed and taken into custody pursuant to  
4933 subsection (d) of this section, the Commissioner of Public  
4934 Transportation, Aviation and Ports, a duly authorized harbor master  
4935 or a duly authorized representative of a municipality shall give  
4936 written notice, by certified mail, return receipt requested, to the owner,  
4937 agent or operator of such vessel, if known, which notice shall state: (1)

4938 The vessel has been removed, taken into custody and stored, (2) the  
4939 location from which the vessel was removed, and (3) that the vessel  
4940 may be disposed of after fifteen days if the market value of such vessel,  
4941 as determined by a certified marine surveyor, does not exceed two  
4942 thousand dollars or that the vessel may be sold after ninety days,  
4943 pursuant to the provisions of subsection (f) of this section.

4944 (f) Ninety days or more after written notice has been given pursuant  
4945 to subsection (e) of this section, the Commissioner of Public  
4946 Transportation, Aviation and Ports, a duly authorized harbor master  
4947 or a duly authorized representative of a municipality may sell a  
4948 derelict vessel at public auction in accordance with the provisions of  
4949 this section. The commissioner, harbor master or authorized agent of a  
4950 municipality shall apply the proceeds of such sale toward the payment  
4951 of its charges, any storage charges and the payment of any debt or  
4952 obligation incurred by the commissioner, harbor master or agent who  
4953 placed the vessel in storage. Such sale shall be advertised twice in a  
4954 newspaper published or having a circulation in the town where such  
4955 vessel is stored or is located, commencing at least five days before such  
4956 sale; and, if the last place of abode of the owner, agent or operator of  
4957 such vessel is known to or ascertained by the commissioner, harbor  
4958 master or agent by the exercise of reasonable diligence, notice of the  
4959 time and place of sale shall be given to such owner, agent or operator  
4960 by sending such notice to the owner, agent or operator, by certified  
4961 mail, return receipt requested, at such last place of abode at least five  
4962 days before the day of the sale. The proceeds of such sale, after  
4963 deducting any amount due for removal and storage charges and all  
4964 expenses connected with such sale, shall be paid to the owner, agent or  
4965 operator of such vessel or the owner's, agent's or operator's legal  
4966 representatives, if claimed by the owner, agent or operator or the  
4967 owner's, agent's or operator's legal representative at any time within  
4968 one year from the date of such sale. If such balance is not claimed  
4969 within said period, it shall escheat to the municipality from which the  
4970 vessel was removed. If the expenses incurred by the commissioner,  
4971 harbor master or agent for such removal and storage and sale of such

4972 vessel and any fines exceed the proceeds of such sale, the owner, agent  
4973 or operator of the vessel shall be liable for such excess expenses.

4974 (g) The Commissioner of Public Transportation, Aviation and Ports  
4975 may require the owner, agent or operator to furnish a performance  
4976 bond in an amount sufficient to cover the estimated costs of removal as  
4977 determined by the commissioner.

4978 Sec. 208. Section 15-13 of the general statutes is repealed and the  
4979 following is substituted in lieu thereof (*Effective January 1, 2010*):

4980 (a) The Commissioner of Public Transportation, Aviation and Ports  
4981 shall license as many residents of this state and any other state as said  
4982 commissioner deems necessary and finds qualified to act as pilots for  
4983 one year in any of the ports and waters of this state including the  
4984 Connecticut waters of Long Island Sound. A license shall be denied to  
4985 any person holding a license or authority under the laws of any other  
4986 state which does not issue a license or authority to pilots licensed by  
4987 the Connecticut Department of Public Transportation, Aviation and  
4988 Ports. Except as hereinafter provided, no person shall be so licensed  
4989 unless he possesses a federal masters license and has procured a  
4990 federal first class pilot's license of unlimited tonnage issued by the  
4991 United States Coast Guard covering the sections of the waters of this  
4992 state for which application is being made to said commissioner. Each  
4993 applicant for a license to act as a pilot for any port or waterway of the  
4994 state including the Connecticut waters of Long Island Sound shall  
4995 document that he has made the following passages on ocean-going  
4996 vessels of not less than four thousand gross tons, through the port or  
4997 waterway for which application is being made during the thirty-six  
4998 months immediately preceding his application: (1) Twelve round trips  
4999 on American vessels under enrollment as pilot of record, on which the  
5000 applicant is not a crew member; or (2) twenty-four round trips as  
5001 observing pilot on foreign or registered vessels during which the  
5002 applicant does the piloting work under the supervision and authority  
5003 of a pilot licensed by this state, provided the applicant possesses a first



5004 class pilot's license issued by the United States Coast Guard for the  
5005 port or waterway; or (3) any combination of the above requirements  
5006 for trips, substituting two observer trips for each trip as pilot of record.

5007 (b) Each pilot shall, upon the granting of his license, pay a fee of  
5008 thirty dollars to said commissioner and shall give a bond of one  
5009 thousand dollars to the State Treasurer and his successors in office,  
5010 with surety, to the acceptance of the commissioner, conditioned for the  
5011 faithful performance of his duties as a pilot, upon which bond suit may  
5012 be brought in the name of said Treasurer for the benefit of any person  
5013 who may suffer loss or damage, by reason of the ignorance, neglect or  
5014 misconduct of such pilot in the discharge of his duties. The  
5015 commissioner shall increase such fee by fifty per cent July 1, 1985, by  
5016 an additional fifty per cent effective July 1, 1989, by an additional  
5017 twenty-five per cent effective July 1, 1991, and by an additional  
5018 twenty-five per cent effective July 1, 1993.

5019 (c) Each license shall expire on the last day of December following  
5020 its issuance and may be renewed upon application and payment of the  
5021 fee required by subsection (b) of this section, renewal of the bond  
5022 required under subsection (b) of this section and proof of current  
5023 federal licensure as required in subsection (a) of this section.

5024 (d) The Commissioner of Public Transportation, Aviation and Ports  
5025 shall keep a record of each license and, if requested, shall furnish a  
5026 certificate of such license.

5027 (e) Said commissioner may suspend or revoke any pilot's license for  
5028 (1) incompetence, (2) neglect of duty, (3) misconduct or (4) using a  
5029 vessel owned or operated by a person who has not obtained a  
5030 certificate of compliance under the provisions of section 15-15e for the  
5031 purpose of embarking or disembarking another vessel in open and  
5032 unprotected waters. Any person aggrieved by the action of said  
5033 commissioner under the provisions of this subsection may appeal  
5034 therefrom in accordance with the provisions of section 4-183.

5035 (f) Any pilot who has been away from duty for a period of not less  
5036 than six months, or who has not completed a passage through any port  
5037 or waterway for which he is licensed during such period, shall be  
5038 placed on inactive status. Said pilot shall complete at least one round  
5039 trip over the port or waterway for which he is licensed before  
5040 resuming his duties as a pilot. The refresher passages shall be made in  
5041 the company of an active pilot licensed by the state. Said pilot, before  
5042 resuming his pilotage duties, shall submit to the commissioner a list of  
5043 completed refresher passages, including the name, gross tons and draft  
5044 of each vessel involved, a description and date of each passage and the  
5045 name of the attending pilot.

5046 (g) The commissioner may issue limited licenses pursuant to this  
5047 section. Such licenses may be limited according to a pilot's  
5048 qualifications for operating a vessel, which shall include, but not be  
5049 limited to, the type, size, gross tonnage or draft of a vessel.

5050 (h) The commissioner shall adopt regulations, in accordance with  
5051 the provisions of chapter 54, to carry out the purposes of this section.

5052 Sec. 209. Section 15-13c of the 2008 supplement to the general  
5053 statutes is repealed and the following is substituted in lieu thereof  
5054 (*Effective January 1, 2010*):

5055 (a) There is created within the Department of Public Transportation,  
5056 Aviation and Ports, for administrative purposes only, the Connecticut  
5057 Pilot Commission to assist and advise the [Commissioner of  
5058 Transportation] commissioner on matters relating to the licensure of  
5059 pilots, the safe conduct of vessels and the protection of the ports and  
5060 waters of the state, including the waters of Long Island Sound.

5061 (b) The commission shall consist of nine members, one of whom  
5062 shall be the Commissioner of Public Transportation, Aviation and  
5063 Ports or the commissioner's designee and one of whom shall be an  
5064 active licensed pilot in this state operating on the Connecticut side of  
5065 the rotation system for the assignment of pilots. The pilot member

5066 shall be designated by a simple majority vote of pilots operating on the  
5067 Connecticut side of the rotation system for the assignment of pilots.  
5068 The remaining seven members shall be appointed as follows: The  
5069 Governor shall appoint one member representing a maritime-related  
5070 industry, which industry shall not include a recreational industry; the  
5071 president pro tempore of the Senate shall appoint one member  
5072 representing the public with an interest in the environment who does  
5073 not have an economic interest in the subject matters of the commission;  
5074 the majority leader of the Senate shall appoint one member  
5075 representing the public with an interest in the environment who does  
5076 not have an economic interest in the subject matters of the commission;  
5077 the minority leader of the Senate shall appoint one member who shall  
5078 be a retired ship's master or captain; the speaker of the House of  
5079 Representatives shall appoint one member representing a maritime-  
5080 related industry, which industry shall not include a recreational  
5081 industry; the majority leader of the House of Representatives shall  
5082 appoint one member representing a maritime-related industry from a  
5083 shipping agent perspective; the minority leader of the House of  
5084 Representatives shall appoint one member with an expertise in the  
5085 area of admiralty law. Each member shall be a resident of the state,  
5086 provided no member shall be an active licensed pilot, except the one  
5087 active Connecticut licensed pilot operating in and designated by a  
5088 simple majority of pilots operating on the Connecticut side of the  
5089 rotation system for the assignment of pilots. Members shall be  
5090 reimbursed for necessary expenses incurred in the performance of  
5091 their duties.

5092 (c) On or before July 1, 1992, in accordance with the provisions of  
5093 subsection (b) of this section (1) the Governor, the speaker of the  
5094 House of Representatives and the majority leader of the Senate shall  
5095 each appoint one member who shall serve until July 1, 1996; (2) the  
5096 president pro tempore of the Senate, the majority leader of the House  
5097 of Representatives and the minority leader of the House of  
5098 Representatives shall each appoint one member who shall serve until  
5099 July 1, 1995; and (3) the minority leader of the Senate shall appoint one

5100 member who shall serve until July 1, 1994. Thereafter, members shall  
5101 serve for a term of four years and any vacancies on the commission  
5102 shall be filled for the remainder of the term in the same manner as the  
5103 original appointment.

5104 (d) The Governor shall appoint the chairperson of the commission  
5105 who shall not be an employee of the Department of Public  
5106 Transportation, Aviation and Ports. The commission shall elect a vice-  
5107 chairperson and any other officers that it deems necessary from among  
5108 its membership. The powers of the commission shall be vested in and  
5109 exercised by not less than five members serving on the commission.  
5110 This number shall constitute a quorum and the affirmative vote of five  
5111 members present at a meeting of the commission shall be necessary for  
5112 any action taken by the commission.

5113 (e) The commission shall, subject to the approval of the  
5114 commissioner in his sole discretion, set: (1) The required qualifications  
5115 of pilots for eligibility for licensure, including background, training,  
5116 length of service and apprenticeship; (2) examination requirements for  
5117 obtaining a pilot's or other type of operating license; and (3) the  
5118 appropriate number of state-licensed pilots necessary for the safe,  
5119 efficient and proper operations in the ports and waters of the state,  
5120 including the waters of Long Island Sound. In setting these  
5121 requirements, the commission may not consider the licenses of pilots  
5122 by other jurisdictions as a disqualifying factor.

5123 (f) The commission shall advise the commissioner on (1) the  
5124 establishment of fair and reasonable rates of pilotage, pursuant to  
5125 section 15-14, including establishment of a hearing process for the  
5126 setting of fair and reasonable rates of pilotage and licensure fees; (2)  
5127 the policy of the state on the establishment of a rotation system for the  
5128 assignment of pilots; (3) the policy of the state on the issuance of  
5129 reciprocal licenses to pilots licensed in other states; (4) the  
5130 enhancement of safety and protection of the marine environment  
5131 during the operation of vessels and the prevention of oil spills and

5132 other marine incidents; (5) the proper equipment required on a vessel  
5133 and the operation of vessels used by pilots for embarkation and  
5134 disembarkation; (6) the designation of pilot boarding stations; (7) the  
5135 proper safety equipment provided by vessels to enable pilots to safely  
5136 board vessels; (8) the state's policy relative to matters of interstate  
5137 pilotage; and (9) any other matter requested by the commissioner.

5138 (g) The commission shall: (1) Assist in the preparation of  
5139 examinations for pilot licensure and other operating certificates; (2)  
5140 evaluate the examination results of applicants for a pilot license and  
5141 make appropriate recommendations concerning such applicants'  
5142 qualifications; (3) assist in the review and monitoring of the  
5143 performance of pilots, including compliance with state policies,  
5144 procedures and regulations; (4) review applications for reciprocal  
5145 licensure and make appropriate recommendations concerning such  
5146 pilots' qualifications; (5) recommend the duties of pilots for the  
5147 reporting of faulty pilot boarding and disembarkation systems and of  
5148 violations of any state laws; (6) review and investigate any marine  
5149 incident or casualty and conduct hearings to determine the causes of  
5150 any such incident; (7) investigate and make recommendations on  
5151 disciplinary measures, including such measures as letters of caution,  
5152 admonition or reprimand and licensure suspension or forfeiture,  
5153 including disciplinary matters relative to alcohol or drug abuse; (8)  
5154 retain an independent investigator to compile a comprehensive factual  
5155 record of any marine incident or casualty; (9) assist in the review of  
5156 complaints filed with the commissioner; and (10) assist in the  
5157 preparation of any report or matter relative to pilotage.

5158 (h) Nothing in this section shall supersede the authority of the  
5159 commissioner with respect to licensing marine pilots as specified in  
5160 section 15-13.

5161 Sec. 210. Section 15-14 of the general statutes is repealed and the  
5162 following is substituted in lieu thereof (*Effective January 1, 2010*):

5163 The Commissioner of Public Transportation, Aviation and Ports

5164 shall establish the rates of pilotage for all vessels which use a licensed  
5165 pilot in the ports and waters of this state including the Connecticut  
5166 waters of Long Island Sound.

5167 Sec. 211. Section 15-15a of the general statutes is repealed and the  
5168 following is substituted in lieu thereof (*Effective January 1, 2010*):

5169 The Commissioner of Public Transportation, Aviation and Ports  
5170 shall [promulgate] adopt such regulations respecting the conduct and  
5171 duties of licensed pilots and the piloting, docking and undocking of  
5172 vessels, as he deems necessary for the protection of property, public  
5173 safety and the effective administration of sections 15-13, 15-14, 15-15  
5174 and 15-15b.

5175 Sec. 212. Section 15-15b of the general statutes is repealed and the  
5176 following is substituted in lieu thereof (*Effective January 1, 2010*):

5177 Once every three months, each licensed pilot shall render to the  
5178 Commissioner of Public Transportation, Aviation and Ports an  
5179 accurate account of all vessels piloted by him. Any pilot who makes a  
5180 false return shall be subject to suspension or revocation of his license  
5181 as provided in section 15-13.

5182 Sec. 213. Section 15-15d of the general statutes is repealed and the  
5183 following is substituted in lieu thereof (*Effective January 1, 2010*):

5184 (a) Pilotage on Long Island Sound shall be concurrent with the state  
5185 of New York.

5186 (b) The Commissioner of Public Transportation, Aviation and Ports  
5187 may execute an agreement with the pilot commission of any other state  
5188 for the establishment of a rotation system for the assignment of pilots  
5189 for the conduct of vessels in the ports and waters of the state, including  
5190 the waters of Long Island Sound.

5191 Sec. 214. Section 15-15e of the general statutes is repealed and the  
5192 following is substituted in lieu thereof (*Effective January 1, 2010*):

5193 (a) On and after October 1, 1997, no owner or operator of a vessel  
5194 may transport or offer to transport a pilot licensed under the  
5195 provisions of section 15-13 for the purpose of embarking or  
5196 disembarking another vessel in open and unprotected waters unless  
5197 such owner or operator has obtained a certificate of compliance from  
5198 the Commissioner of Public Transportation, Aviation and Ports. On  
5199 and after October 1, 1997, the Commissioner of Public Transportation,  
5200 Aviation and Ports shall issue a certificate of compliance to each owner  
5201 or operator of a vessel used to transport a licensed pilot for the  
5202 purpose of embarking or disembarking another vessel in open and  
5203 unprotected waters who complies with the requirements specified in  
5204 regulations which shall be adopted by the commissioner in accordance  
5205 with the provisions of chapter 54. The regulations shall specify (1)  
5206 standards and procedures for the issuance and renewal of such  
5207 certificate; (2) grounds for the suspension of such certificate; (3)  
5208 requirements relative to the inspection of such vessels, including the  
5209 designation and qualifications of inspectors of such vessels and the  
5210 maintenance and inspection of logs in each such vessel; (4) the  
5211 procedures for embarkation and disembarkation of pilots; and (5) the  
5212 operation of and equipment required on each such vessel. Such  
5213 regulations may establish standard rates for the use of each such vessel  
5214 for such purpose. For the purposes of this subsection, "open and  
5215 unprotected waters" means waters located east of the area depicted on  
5216 the National Oceanic and Atmospheric Administration charts of the  
5217 eastern portion of Long Island Sound as "The Race".

5218 (b) Any person who violates any provision of subsection (a) of this  
5219 section or any regulation adopted thereunder shall be fined not less  
5220 than sixty dollars nor more than two hundred fifty dollars for each  
5221 such violation.

5222 Sec. 215. Section 15-25 of the general statutes is repealed and the  
5223 following is substituted in lieu thereof (*Effective January 1, 2010*):

5224 Any person who removes, damages or destroys any buoy, beacon,

5225 channel marker or floating guide placed in the waters of this state by  
5226 authority of the Commissioner of Public Transportation, Aviation and  
5227 Ports or the harbor master of any harbor, or moors or in any manner  
5228 attaches any boat, vessel or raft of any kind to such buoy, beacon,  
5229 channel marker or floating guide, unless his life, or the safety of the  
5230 vessel in which he is, is endangered, or cuts down, removes, damages  
5231 or destroys any beacon or navigational aid erected on land in this state,  
5232 shall be fined not less than two hundred fifty dollars nor more than  
5233 five hundred dollars, or imprisoned not more than sixty days or both.

5234 Sec. 216. Section 15-34 of the 2008 supplement to the general statutes  
5235 is repealed and the following is substituted in lieu thereof (*Effective*  
5236 *January 1, 2010*):

5237 For the purpose of the laws of this state relating to aeronautics, the  
5238 following words and phrases shall have the meanings herein given,  
5239 unless the context otherwise requires:

5240 (1) "Aeronautics" means transportation by aircraft; the operation,  
5241 repair or maintenance of aircraft or aircraft engines except by a  
5242 manufacturer, including the repair, packing and maintenance of  
5243 parachutes; the design, establishment, construction, extension,  
5244 operation, improvement, repair or maintenance of airports, heliports,  
5245 restricted landing areas or other air navigation facilities, and air  
5246 instruction.

5247 (2) "Air instruction" means the imparting of aeronautical  
5248 information by any aeronautics instructor or in or by any air school or  
5249 flying club.

5250 (3) "Air navigation" means the operation or navigation of aircraft in  
5251 the air space over this state or upon any airport or restricted landing  
5252 area within this state.

5253 (4) "Air navigation facility" means any facility, other than one  
5254 owned or controlled by the federal government, used in, available for



5255 use in or designed for use in, aid of air navigation, including airports,  
5256 heliports, restricted landing areas, and any structures, mechanisms,  
5257 lights, beacons, marks, communicating systems or other  
5258 instrumentalities or devices used or useful as an aid, or constituting an  
5259 advantage or convenience, to the safe taking-off, navigation and  
5260 landing of aircraft, or the safe and efficient operation or maintenance  
5261 of an airport, heliport or restricted landing area, and any combination  
5262 of such facilities.

5263 (5) "Aircraft" means any contrivance used or designed for  
5264 navigation of or flight in air, including (A) airplanes, meaning power-  
5265 driven fixed-wing aircraft, heavier than air, supported by the dynamic  
5266 reaction of the air against their wings, (B) gliders, meaning heavier  
5267 than air aircraft, the free flight of which does not depend principally  
5268 upon a power-generating unit, and (C) rotorcraft, meaning power-  
5269 driven aircraft, heavier than air, supported during flight by one or  
5270 more rotors.

5271 (6) "Airman" means any individual who engages, as the person in  
5272 command, or as pilot, mechanic or member of the crew, in the  
5273 navigation of aircraft while under way and (excepting any individual  
5274 employed outside the United States, any individual employed by a  
5275 manufacturer of aircraft, aircraft engines, propellers or appliances to  
5276 perform duties as inspector or mechanic in connection therewith, and  
5277 any individual performing inspection or mechanical duties in  
5278 connection with aircraft owned or operated by him) any individual  
5279 who is directly in charge of the inspection, maintenance, overhauling  
5280 or repair of aircraft engines, propellers or appliances; and any  
5281 individual who serves in the capacity of aircraft dispatcher or air-  
5282 traffic control-tower operator.

5283 (7) "Airport" means any area of land or water, except a restricted  
5284 landing area, which is designed for the landing and takeoff of aircraft,  
5285 whether or not facilities are provided for the shelter, servicing or repair  
5286 of aircraft, or for receiving or discharging passengers or cargo, and all

5287 appurtenant areas used or suitable for airport buildings or other  
5288 airport facilities, and all appurtenant rights-of-way.

5289 (8) "Airport hazard" means any structure, object of natural growth  
5290 or use of land which obstructs the air space required for the flight of  
5291 aircraft in landing or taking off at any airport, heliport or restricted  
5292 landing area or is otherwise hazardous to such landing or taking-off.

5293 (9) "Airport protection privileges" means easements through or  
5294 other interests in air space over land or water, interests in airport  
5295 hazards outside the boundaries of airports, heliports or restricted  
5296 landing areas and other protection privileges the acquisition or control  
5297 of which is necessary to insure safe approaches to the landing areas of  
5298 airports, heliports and restricted landing areas and the safe and  
5299 efficient operation thereof.

5300 (10) "Careless, negligent or reckless operation" means the operation  
5301 or piloting of any aircraft carelessly, negligently, recklessly or in such  
5302 manner as to endanger the property, life or limb of any person, due  
5303 regard being had to the proximity of other aircraft, the prevailing  
5304 weather conditions and the territory being flown over.

5305 (11) "Civil aircraft" means any aircraft other than a public aircraft.

5306 (12) Repealed by 1972, P.A. 134, S. 6.

5307 (13) "Department" means the Department of Public Transportation,  
5308 Aviation and Ports of this state.

5309 (14) "Commissioner" means the Commissioner of Public  
5310 Transportation, Aviation and Ports of this state.

5311 (15) "Flying club" means any person other than an individual which,  
5312 neither for profit nor reward, owns, leases or uses one or more aircraft  
5313 for the purpose of instruction or pleasure or both.

5314 (16) "Manufacturer" means a person, partnership, association,

5315 limited liability company or corporation which, during the calendar  
5316 year preceding application for registration, manufactured or  
5317 assembled one or more aircraft for sale, or which proves to the  
5318 satisfaction of the commissioner that it intends in good faith to  
5319 manufacture or assemble one or more aircraft for sale during the year  
5320 immediately ensuing.

5321 (17) "Municipality" means any city, town or borough or other  
5322 subdivision of this state.

5323 (18) "Navigable air space" means air space above the minimum  
5324 altitudes of flight prescribed by the laws of this state or by regulations  
5325 of the commissioner consistent therewith.

5326 (19) "Nonresident" means any person whose legal residence is  
5327 outside this state.

5328 (20) "Operation of aircraft" means the use of aircraft for the purpose  
5329 of air navigation and includes the navigation or piloting of aircraft.  
5330 Any person who causes or authorizes the operation of aircraft,  
5331 whether with or without the right of legal control thereof, shall be  
5332 deemed to be engaged in the operation of aircraft within the meaning  
5333 of the statutes of this state.

5334 (21) "Person" means any individual, firm, partnership, corporation,  
5335 limited liability company, company, association, joint stock association  
5336 or body politic and includes any trustee, receiver, assignee or other  
5337 similar representative thereof.

5338 (22) "Public aircraft" means an aircraft used exclusively in the  
5339 service of any government or of any political subdivision thereof,  
5340 including the government of any state, territory or possession of the  
5341 United States, or the District of Columbia, but does not include any  
5342 government-owned aircraft engaged in carrying persons or property  
5343 for commercial purposes.

5344 (23) "Restricted landing area" means any area of land or water or

5345 both, which is used or is made available for the landing and takeoff of  
5346 aircraft, the use of which shall, except in case of emergency, be only as  
5347 provided from time to time by the commissioner.

5348 (24) Repealed by P.A. 85-130.

5349 (25) Repealed by P.A. 77-614, S. 609, 610.

5350 (26) Repealed by P.A. 77-614, S. 609, 610.

5351 (27) "Heliport" means an area of defined dimensions, either at  
5352 ground level or elevated on a structure, designated for the landing and  
5353 take off of helicopters, which may be restricted solely for that purpose.

5354 (28) "Ultra light aircraft" means (A) any aircraft which meets the  
5355 criteria established by the Federal Aviation Administration, federal Air  
5356 Regulation Part 103, or (B) any vehicle which: (i) Is used or intended to  
5357 be used for manned operation by a single occupant in the air; (ii) is  
5358 used or intended to be used for recreation or sport purposes only; (iii)  
5359 has not been issued an airworthiness certificate by the government of  
5360 the United States or any foreign government; and (iv) if unpowered,  
5361 weighs less than one hundred fifty-five pounds or, if powered, weighs  
5362 less than two hundred fifty-four pounds, empty weight, has a fuel  
5363 capacity of no more than five U.S. gallons, is not capable of more than  
5364 fifty-five knots calibrated air speed at full power in level flight and has  
5365 a power-off stall speed which does not exceed twenty-four knots  
5366 calibrated air speed.

5367 Sec. 217. Section 15-74a of the general statutes is repealed and the  
5368 following is substituted in lieu thereof (*Effective January 1, 2010*):

5369 Terms used in this section and sections 15-74b and 15-74c, shall be  
5370 construed as follows, unless another meaning is expressed or is clearly  
5371 apparent from the language or the context: "public service company"  
5372 means "public service company" as defined by section 16-1 of the 2008  
5373 supplement to the general statutes; "public airport" means any state or  
5374 municipality owned airport, heliport, restricted landing area or other

5375 air navigational facility or any facility licensed by the Commissioner of  
5376 Public Transportation, Aviation and Ports under section 13b-46 except  
5377 any privately owned airport, heliport, restricted landing area or air  
5378 navigational facility unless the same has been on file with the Federal  
5379 Aviation Administration for a period of at least two years and  
5380 designated by it as a facility open to the public; "clear zone" means an  
5381 area extending for up to one-half mile from the end of a runway on a  
5382 public airport and designated by the Commissioner of Public  
5383 Transportation, Aviation and Ports as a clear zone in accordance with  
5384 regulations adopted by him.

5385 Sec. 218. Section 15-74b of the general statutes is repealed and the  
5386 following is substituted in lieu thereof (*Effective January 1, 2010*):

5387 (a) No public service company shall construct or maintain any  
5388 overhead line or facility within the limits of a clear zone.

5389 (b) (1) Immediately upon July 6, 1971, the Commissioner of Public  
5390 Transportation, Aviation and Ports shall establish clear zones, in  
5391 accordance with regulations adopted by him, for all public airport  
5392 runways, and shall establish a list of priorities for the abatement or  
5393 correction of encroachments thereon by public service companies. (2)  
5394 Subject to the availability of funds, said commissioner shall from time  
5395 to time order the relocation, removal or such other appropriate  
5396 corrective action as he deems necessary to abate or correct such  
5397 encroachments on clear zones.

5398 (c) Where overhead lines already exist within the limits of an  
5399 established clear zone the Commissioner of Public Transportation,  
5400 Aviation and Ports shall reimburse the owner public service company  
5401 for the cost of relocation, removal or other corrective measures  
5402 approved by him. Funds required for the implementation of this  
5403 section shall be appropriated from existing and future appropriations  
5404 for state aid to airports in accordance with regulations adopted by the  
5405 Commissioner of Public Transportation, Aviation and Ports.

5406       Sec. 219. Section 15-74c of the general statutes is repealed and the  
5407       following is substituted in lieu thereof (*Effective January 1, 2010*):

5408       No public service company shall erect, recable or reconstruct any  
5409       overhead line or facility within one-half mile of any airport runway  
5410       without written permission of the Commissioner of Public  
5411       Transportation, Aviation and Ports.

5412       Sec. 220. Section 15-101l of the general statutes is repealed and the  
5413       following is substituted in lieu thereof (*Effective January 1, 2010*):

5414       (a) The State Bond Commission may authorize the issuance of  
5415       bonds of the state in one or more series and in principal amounts  
5416       necessary to carry out the purposes of sections 15-101k to 15-101p,  
5417       inclusive. Such bonds shall be payable from all or a portion of the  
5418       revenues of Bradley International Airport, as may be specified in the  
5419       proceedings authorizing such bonds, and may include, among other  
5420       types of bonds, special purpose revenue bonds payable solely from  
5421       revenues derived from special purpose facilities, bonds payable from  
5422       particular sources of revenues and bonds payable in whole or in part  
5423       from passenger facility charges to the extent permitted under  
5424       applicable federal law. The Commissioner of Public Transportation,  
5425       Aviation and Ports shall evidence a request to issue bonds by filing  
5426       with the Treasurer a resolution duly adopted by the board identifying  
5427       the projects or other improvements to be acquired, constructed and  
5428       installed at Bradley International Airport and requesting issuance by  
5429       the state of bonds to finance such projects and other improvements; the  
5430       Treasurer thereupon shall file a request for the issuance of such bonds  
5431       with the secretary of the State Bond Commission. The board of  
5432       directors may appoint a finance or other committee of the board of one  
5433       or more officers or employees to serve as the board's authorized  
5434       delegate in connection with the issuance of bonds pursuant to this  
5435       section.

5436       (b) Bonds issued pursuant to this section shall be special obligations  
5437       of the state and shall not be payable from nor charged upon any funds

5438 other than the revenues pledged to the payment thereof, nor shall the  
5439 state or any political subdivision thereof be subject to any liability  
5440 thereon except to the extent of such pledged revenues. The issuance of  
5441 bonds under the provisions of sections 15-101k to 15-101p, inclusive,  
5442 shall not directly or indirectly or contingently obligate the state or any  
5443 political subdivision thereof to levy or to pledge any form of taxation  
5444 whatever therefor or to make any appropriation for their payment. The  
5445 bonds shall not constitute a charge, lien or encumbrance, legal or  
5446 equitable, upon any property of the state or of any political subdivision  
5447 thereof, except the property mortgaged or otherwise encumbered  
5448 under the provisions and for the purposes of sections 15-101k to 15-  
5449 101p, inclusive. The substance of such limitation shall be plainly stated  
5450 on the face of each bond. Bonds issued pursuant to sections 15-101k to  
5451 15-101p, inclusive, shall not be subject to any statutory limitation on  
5452 the indebtedness of the state and such bonds, when issued, shall not be  
5453 included in computing the aggregate indebtedness of the state in  
5454 respect to and to the extent of any such limitation.

5455 (c) The bonds referred to in this section may be executed and  
5456 delivered at such time or times, shall be dated, shall bear interest at  
5457 such rate or rates, including variable rates to be determined in such  
5458 manner as set forth in the proceedings authorizing the issuance of the  
5459 bonds, provide for payment of interest on such dates, whether before  
5460 or at maturity, shall mature at such time or times not exceeding forty  
5461 years from their date, have such rank or priority, be payable in such  
5462 medium of payment, be issued in coupon, registered or book entry  
5463 form, carry such registration and transfer privileges and be subject to  
5464 purchase or redemption before maturity at such price or prices and  
5465 under such terms and conditions, including the condition that such  
5466 bonds be subject to purchase or redemption on the demand of the  
5467 owner thereof, all as may be determined by the State Bond  
5468 Commission. The State Bond Commission shall determine the form of  
5469 the bonds, including any interest coupons to be attached thereto, the  
5470 manner of execution of the bonds, the denomination or denominations  
5471 of the bonds and the place or places of payment of principal and

5472 interest, which may be at any bank or trust company within or without  
5473 the state. Prior to the preparation of definitive bonds, the State Bond  
5474 Commission may, under like restrictions, provide for the issuance of  
5475 interim receipts or temporary bonds, with or without coupons,  
5476 exchangeable for definitive bonds when such bonds have been  
5477 executed and are available for delivery. If any of the officers whose  
5478 signatures appear on the bonds or coupons cease to be officers before  
5479 the delivery of any such bonds, such signatures shall, nevertheless, be  
5480 valid and sufficient for all purposes, the same as if they had remained  
5481 in office until delivery.

5482 (d) Any bonds issued under the authority of sections 15-101k to 15-  
5483 101p, inclusive, may be sold at public sale on sealed proposals or by  
5484 negotiation in such manner, at such price and at such time or times as  
5485 may be determined by the Treasurer to be most advantageous, subject  
5486 to the approval of the State Bond Commission. The state may pay from  
5487 the proceeds of the bonds all costs and expenses which the Treasurer  
5488 may deem necessary or advantageous in connection with the  
5489 authorization, sale and issuance thereof, including the cost of interest  
5490 on any short-term financing authorized under subsection (b) of section  
5491 15-101n.

5492 (e) The principal of and interest on any bonds issued pursuant to  
5493 this section shall be secured by a pledge of the revenues out of which  
5494 such bonds shall be made payable. They may be secured by a  
5495 mortgage covering all or any part of the project from which the  
5496 revenues so pledged may be derived or by a pledge of one or more  
5497 leases, sale contracts or loan agreements with respect to such project or  
5498 by a pledge of one or more notes, debentures, bonds or other secured  
5499 or unsecured debt obligations of any lessee or contracting party under  
5500 a loan agreement or sale contract or by a pledge of reserve and sinking  
5501 funds established pursuant to the resolution authorizing the issuance  
5502 of the bonds and any other funds and accounts, including proceeds  
5503 from investment of any of the foregoing, established pursuant to this  
5504 chapter or the proceedings authorizing the issuance of such bonds, and



5505 by moneys paid under a credit facility, including but not limited to, a  
5506 letter of credit or policy of bond insurance, issued by a financial  
5507 institution pursuant to an agreement authorized by such proceedings.

5508 (f) The proceedings under which the bonds are authorized to be  
5509 issued pursuant to this section, and any mortgage given to secure the  
5510 same, may, subject to the provisions of the general statutes, contain  
5511 any agreements and provisions customarily contained in instruments  
5512 securing bonds, including, but not limited to: (1) Provisions respecting  
5513 custody of the proceeds from the sale of the bonds, including their  
5514 investment and reinvestment until used for the cost of the project; (2)  
5515 provisions respecting the fixing and collection of rents or payments  
5516 with respect to the facilities of Bradley International Airport and the  
5517 application and use of passenger facility charges; (3) the terms to be  
5518 incorporated in the lease, sale contract or loan agreement with respect  
5519 to the project; (4) the maintenance and insurance of the project; (5) the  
5520 creation, maintenance, custody, investment and reinvestment and use  
5521 of the revenues derived from the operation of Bradley International  
5522 Airport; (6) establishment of reserves or sinking funds, and such  
5523 accounts thereunder as may be established by the State Bond  
5524 Commission, and the regulation and disposition thereof; (7) the rights  
5525 and remedies available in case of a default to the bondholders or to  
5526 any trustee under any lease, sale contract, loan agreement, mortgage or  
5527 trust indenture; (8) reimbursement agreements remarketing  
5528 agreements, standby bond purchase agreements or similar agreements  
5529 in connection with obtaining any credit or liquidity facilities including,  
5530 but not limited to, letters of credit or policies of bond insurance and  
5531 such other agreements entered into pursuant to section 3-20a of the  
5532 2008 supplement to the general statutes; (9) provisions for the issuance  
5533 of additional bonds on a parity with bonds theretofore issued,  
5534 including establishment of coverage requirements with respect thereto;  
5535 (10) covenants to do or to refrain from doing such acts and things as  
5536 may be necessary or convenient or desirable in order to better secure  
5537 any bonds or to maintain any federal or state exemption from tax of  
5538 the interest on such bonds; and (11) provisions or covenants of like or

5539 different character from the foregoing which are consistent with the  
5540 provisions of this chapter and which the State Bond Commission  
5541 determines in such proceedings are necessary, convenient or desirable  
5542 in order to better secure the bonds or bond anticipation notes, or will  
5543 tend to make the bonds or bond anticipation notes more marketable,  
5544 and which are in the best interests of the state. The proceedings under  
5545 which the bonds are authorized, and any mortgage given to secure the  
5546 same, may further provide that any cash balances not necessary (A) to  
5547 pay the cost of maintaining, repairing and operating the facilities of  
5548 Bradley International Airport, (B) to pay the principal of and interest  
5549 on the bonds as the same shall become due and payable, and (C) to  
5550 create and maintain reserve and sinking funds as provided in any  
5551 authorizing resolution, or other proceedings shall be deposited into a  
5552 Bradley International Airport working fund to be held in trust by the  
5553 treasurer and applied to future debt service requirements or other  
5554 general airport purposes.

5555 (g) In the discretion of the State Bond Commission, bonds issued  
5556 pursuant to this section may be secured by a trust indenture by and  
5557 between the state and a corporate trustee, which may be any trust  
5558 company or bank having the powers of a trust company within or  
5559 without the state. Such trust indenture may contain such provisions for  
5560 protecting and enforcing the rights and remedies of the bondholders as  
5561 may be reasonable and proper and not in violation of law, including  
5562 covenants setting forth the duties of the state in relation to the exercise  
5563 of its powers pursuant to sections 15-101k to 15-101p, inclusive, and  
5564 the custody, safeguarding and application of all moneys. The state may  
5565 provide by such trust indenture for the payment of the proceeds of the  
5566 bonds and the revenues from the operation of Bradley International  
5567 Airport to the trustee under such trust indenture or other depository,  
5568 and for the method of disbursement thereof, with such safeguards and  
5569 restrictions as it may determine. All expenses incurred in carrying out  
5570 such trust indenture may be treated as a part of the operating expenses  
5571 of the project. If the bonds shall be secured by a trust indenture, the  
5572 bondholders shall have no authority to appoint a separate trustee to

5573 represent them.

5574 (h) Any pledge made by the state shall be valid and binding from  
5575 the time when the pledge is made, and the revenues or property so  
5576 pledged and thereafter received by the state shall immediately be  
5577 subject to the lien of such pledge without any physical delivery thereof  
5578 or further act. The lien of any such pledge shall be valid and binding as  
5579 against all parties having claims of any kind in tort, contract, or  
5580 otherwise against the state, irrespective of whether such parties have  
5581 notice thereof. Neither the resolution nor any other instrument by  
5582 which a pledge is created need be recorded.

5583 (i) The Treasurer shall have power out of any funds available  
5584 therefor to purchase bonds or notes of the state issued pursuant to this  
5585 section and section 15-101n. The Treasurer may hold, pledge, cancel or  
5586 resell such bonds, subject to and in accordance with agreements with  
5587 bondholders.

5588 (j) Whether or not the notes and bonds are of such form and  
5589 character as to be negotiable instruments under the terms of the  
5590 Uniform Commercial Code, the notes and bonds are hereby made  
5591 negotiable instruments within the meaning of and for all purposes of  
5592 the Uniform Commercial Code, subject only to the provisions of the  
5593 notes and bonds for registration.

5594 (k) Any moneys held by the Treasurer with respect to Bradley  
5595 International Airport, or by a trustee pursuant to a trust indenture,  
5596 subject to the provisions of such indenture, including proceeds from  
5597 the sale of any bonds and notes, and revenues, receipts and income  
5598 from the operation of Bradley International Airport may be invested  
5599 and reinvested in such obligations, securities, and other investments,  
5600 including without limitation participation certificates in the Short  
5601 Term Investment Fund created in section 3-27a, or deposited or  
5602 redeposited in such bank or banks, all as shall be authorized by the  
5603 State Bond Commission in the proceedings authorizing the issuance of  
5604 the bonds and notes.

5605 (l) For the purposes of sections 15-101k to 15-101p, inclusive, the  
5606 costs of the project payable out of the proceeds of bonds issued  
5607 pursuant to this section shall include: (i) Expenses and obligations  
5608 incurred for labor and materials in connection with the construction of  
5609 the project; (ii) the cost of acquiring by purchase, if such purchase shall  
5610 be deemed expedient, and the amount of any award or final judgment  
5611 in any proceedings to acquire by condemnation, such land, property  
5612 rights, rights-of-way, franchises, easements and other interests in land  
5613 as may be deemed necessary or convenient in connection with such  
5614 construction or with the operation of the project, and the amount of  
5615 any damages incident thereto; (iii) the costs of all machinery and  
5616 equipment acquired in connection with the project; (iv) reserves for the  
5617 payment of the principal of and interest on any notes and bonds issued  
5618 pursuant to this section and section 15-101n, and interest accruing on  
5619 any such notes, during construction of the project and for six months  
5620 after completion of such construction; (v) initial working capital,  
5621 expenses of administration properly chargeable to the construction or  
5622 acquisition of the project, legal, architectural and engineering expenses  
5623 and fees, costs of audits, costs of preparing and issuing any notes and  
5624 bonds pursuant to this section and section 15-101n; and (vi) all other  
5625 items of expense not elsewhere specified incident to the planning,  
5626 acquisition and construction of the project or of the placing of the same  
5627 in operation.

5628 (m) None of the bonds authorized pursuant to this section shall be  
5629 issued and sold except upon a finding by the State Bond Commission  
5630 that there has been filed with it a request for such authorization, which  
5631 is signed by the Secretary of the Office of Policy and Management or  
5632 on said secretary's behalf and stating such terms and conditions as said  
5633 commission, in its discretion, may require.

5634 (n) For purposes of sections 15-101k to 15-101p, inclusive, the term  
5635 "project" shall refer to the renovations and improvements to be  
5636 acquired and constructed at Bradley International Airport as may be  
5637 specified from time to time by the board in a resolution as

5638 contemplated by subsection (a) of this section.

5639       Sec. 221. Section 15-101m of the general statutes is repealed and the  
5640 following is substituted in lieu thereof (*Effective January 1, 2010*):

5641       (a) Subject to the provisions of the general statutes and resolution  
5642 authorizing the issuance of bonds pursuant to subsection (a) of section  
5643 15-101l, the Commissioner of Public Transportation, Aviation and  
5644 Ports is authorized to fix, revise, charge and collect rates, rents, fees  
5645 and charges for the use of and for the services furnished or to be  
5646 furnished by the facilities of Bradley International Airport and to  
5647 contract with any person, partnership, association or corporation, or  
5648 other body, public or private, in respect thereof except that, the  
5649 commissioner shall not impose any fee, charge or commission on the  
5650 gross revenues of off-airport parking operators for the right to access  
5651 said airport that exceeds five per cent of such gross revenues for  
5652 calendar quarters commencing on or after July 1, 1997, and prior to  
5653 July 1, 1998, and four per cent of such gross revenues for calendar  
5654 quarters commencing on or after July 1, 1998. Such rates, rents, fees  
5655 and charges shall be fixed and adjusted in respect of the aggregate of  
5656 rates, rents, fees and charges from the operation of Bradley  
5657 International Airport so as to provide funds sufficient with other  
5658 revenues or moneys available therefor, if any, (1) to pay the cost of  
5659 maintaining, repairing and operating the facilities of Bradley  
5660 International Airport and each and every portion thereof, to the extent  
5661 that the payment of such cost has not otherwise been adequately  
5662 provided for, (2) to pay the principal of and the interest on any  
5663 outstanding revenue obligations of the state issued in respect of the  
5664 project as the same shall become due and payable and (3) to create and  
5665 maintain reserves and sinking funds required or provided for in any  
5666 resolution authorizing, or trust agreement securing, such bonds. A  
5667 sufficient amount of the revenues as may be necessary to pay the cost  
5668 of maintenance, repair and operation and to provide reserves and for  
5669 renewals, replacements, extensions, enlargements and improvements  
5670 as may be provided for in the resolution authorizing the issuance of

5671 any bonds or in the trust agreement securing the same, shall be set  
5672 aside at such regular intervals as may be provided in such resolution  
5673 or trust agreement in a reserve, sinking or other similar fund which is  
5674 hereby pledged to, and charged with, the payment of the principal of  
5675 and the interest on such bonds as the same shall become due, and the  
5676 redemption price or the purchase price of bonds retired by call or  
5677 purchase as therein provided. The use and disposition of moneys to  
5678 the credit of such reserve, sinking or other similar fund shall be subject  
5679 to the provisions of the resolution authorizing the issuance of such  
5680 bonds or of such trust agreement.

5681 (b) The Department of Public Transportation, Aviation and Ports  
5682 shall designate the beginning and ending dates of the fiscal year for the  
5683 operation of Bradley International Airport. Each year, within ninety  
5684 days prior to the beginning of the next ensuing fiscal year, the  
5685 Department of Public Transportation, Aviation and Ports shall prepare  
5686 and submit to the Secretary of the Office of Policy and Management an  
5687 annual operating budget for Bradley International Airport for such  
5688 fiscal year, providing for (1) payment of the costs of maintaining,  
5689 repairing and operating the facilities of Bradley International Airport  
5690 and each and every portion thereof during such fiscal year, to the  
5691 extent that the payment of such costs has not otherwise been  
5692 adequately provided for, (2) the payment of the principal of and  
5693 interest on any outstanding revenue obligations of the state issued in  
5694 respect of the project and becoming due and payable in such fiscal year  
5695 and (3) the creation and maintenance of reserves and sinking funds  
5696 required or provided for in any resolution authorizing, or trust  
5697 agreement securing, such bonds. Such annual operating budget shall  
5698 include an estimate of revenues from the rates, rents, fees and charges  
5699 fixed by the Department of Public Transportation, Aviation and Ports  
5700 pursuant to subsection (a), and from any and all other sources, to meet  
5701 the estimated expenditures of Bradley International Airport for such  
5702 fiscal year. Within thirty days prior to the first day of such fiscal year  
5703 the Secretary of the Office of Policy and Management shall approve  
5704 said annual operating budget, with such changes, amendments,

5705 additions and deletions as shall be agreed upon prior to that date by  
5706 the Department of Public Transportation, Aviation and Ports and the  
5707 Secretary of the Office of Policy and Management. The annual  
5708 operating budget of Bradley International Airport as so approved shall  
5709 take effect as of the date of its approval. On or before the twentieth day  
5710 of each month, including the month next preceding the first month of  
5711 the fiscal year to which the annual operating budget applies, the  
5712 Treasurer or the trustee under any trust indenture securing the bonds  
5713 issued under subsection (a) of section 15-101l shall pay to the  
5714 Department of Public Transportation, Aviation and Ports out of the  
5715 funds available for such purpose such amount as may be necessary to  
5716 make the amount then held by said department for the payment of  
5717 operating expenses of Bradley International Airport equal to such  
5718 amount as shall be necessary for the payment of such operating  
5719 expenses during the next ensuing two months, as shown by the annual  
5720 operating budget for such fiscal year. Except as otherwise provided in  
5721 sections 15-101k to 15-101p, inclusive, either expressly or by  
5722 implication, all provisions of the general statutes governing state  
5723 employees and state property, and all other provisions of the general  
5724 statutes applicable to Bradley International Airport, shall continue in  
5725 effect. All pension, retirement or other similar benefits vested or  
5726 acquired at any time before or after July 1, 1981, with respect to any  
5727 state employees shall continue unaffected and as if the salaries and  
5728 wages of such employees continued to be paid out of the general funds  
5729 of the state.

5730 (c) On the day the Department of Public Transportation, Aviation  
5731 and Ports submits an annual operating budget for Bradley  
5732 International Airport to the Secretary of the Office of Policy and  
5733 Management pursuant to subsection (b) of this section, the department  
5734 shall submit a copy of such budget to the joint standing committee of  
5735 the General Assembly having cognizance of matters relating to  
5736 appropriations and the budgets of state agencies, through the  
5737 legislative Office of Fiscal Analysis. Upon the approval of the annual  
5738 operating budget, the department shall submit a copy of the budget as

5739 so approved to said joint standing committee, through the Office of  
5740 Fiscal Analysis.

5741 Sec. 222. Section 15-101t of the general statutes is repealed and the  
5742 following is substituted in lieu thereof (*Effective January 1, 2010*):

5743 Notwithstanding the provisions of section 13a-95 and other statutes  
5744 related to competitive bidding procedures, the Commissioner of Public  
5745 Transportation, Aviation and Ports may direct the construction  
5746 manager for the Bradley International Airport terminal improvement  
5747 and renovation project to solicit and prequalify responsible and  
5748 qualified contractors. The list of prequalified contractors shall be  
5749 approved by the commissioner. The construction manager shall obtain  
5750 bids on the different construction elements of the project from the  
5751 contractors on said list. The construction manager shall evaluate all  
5752 such bids that are fair and reasonable with regard to the state's interest,  
5753 from at least three prequalified contractors, and make a  
5754 recommendation for selection to the commissioner. The commissioner  
5755 shall make the final selection and the construction manager shall  
5756 award the contract to the selected bidder. Any contractor awarded said  
5757 contract pursuant to this section shall be subject to the same  
5758 requirements concerning the furnishing of bonds as a contractor  
5759 awarded a contract pursuant to section 13a-95.

5760 Sec. 223. Section 15-101ee of the general statutes is repealed and the  
5761 following is substituted in lieu thereof (*Effective January 1, 2010*):

5762 The Commissioner of Public Transportation, Aviation and Ports  
5763 may adopt regulations, in accordance with the provisions of chapter  
5764 54, necessary to carry out the purposes of this chapter.

5765 Sec. 224. Section 15-101mm of the general statutes is repealed and  
5766 the following is substituted in lieu thereof (*Effective January 1, 2010*):

5767 (a) There is established a Bradley Board of Directors to oversee the  
5768 operation and development of Bradley International Airport.



5769 (b) The Bradley Board of Directors shall consist of seven members,  
5770 appointed as follows: The Commissioner of Public Transportation,  
5771 Aviation and Ports and the Commissioner of Economic and  
5772 Community Development, each serving ex-officio, a representative  
5773 appointed by the speaker of the House of Representatives from the  
5774 Connecticut Transportation Strategy Board, created by section 13b-57e,  
5775 a representative appointed by the minority leader of the House of  
5776 Representatives from among the members of the Bradley International  
5777 Community Advisory Board, as created by section 15-101pp and three  
5778 private sector members appointed as follows: (A) The Governor shall  
5779 appoint one member, who shall be the chairperson, and whose first  
5780 term shall expire on June 30, 2005, (B) the president pro tempore of the  
5781 Senate shall appoint one member whose first term shall expire on June  
5782 30, 2005, (C) the minority leader of the Senate shall appoint one  
5783 member whose first term shall expire on June 30, 2005. The term of  
5784 office of each successor shall be four years.

5785 (c) Each member before entering upon the member's duties shall  
5786 take and subscribe to the oath required by article XI, section 1 of the  
5787 State Constitution.

5788 (d) The appointed members shall be senior business leaders or  
5789 executives who have management experience with corporate or  
5790 institutional organizations, and shall include individuals who have  
5791 expertise and experience in one or more of the following areas:  
5792 Financial planning, budgeting and assessment, marketing, master  
5793 planning, strategic planning and transportation management.

5794 (e) A member who misses three consecutive meetings shall be  
5795 deemed to have resigned.

5796 (f) The Bradley Board of Directors shall elect a vice-chairperson  
5797 annually from among the appointed members.

5798 (g) The powers of the Bradley Board of Directors shall be vested in  
5799 and exercised by not less than five of its members. Such number of

5800 members shall constitute a quorum and the affirmative vote of a  
5801 majority of the members present at a meeting of the board shall be  
5802 necessary for any action of the Bradley Board of Directors.

5803 (h) Members of the Bradley Board of Directors shall receive no  
5804 compensation. The Bradley Board of Directors is a public agency, as  
5805 defined in section 1-200, for purposes of the Freedom of Information  
5806 Act, and is a quasi-public agency, as defined in section 1-79 of the 2008  
5807 supplement to the general statutes, for purposes of chapter 10.

5808 Sec. 225. Section 15-101nn of the general statutes is repealed and the  
5809 following is substituted in lieu thereof (*Effective January 1, 2010*):

5810 The Bradley Board of Directors shall have the duty and authority to:  
5811 (1) In consultation with the Commissioner of Public Transportation,  
5812 Aviation and Ports, develop an organizational and management  
5813 structure that will best accomplish the goals of Bradley International  
5814 Airport; (2) approve the annual capital and operating budget of  
5815 Bradley International Airport; (3) act in cooperation with the  
5816 Connecticut Transportation Strategy Board, created pursuant to  
5817 section 13b-57e; (4) advocate for Bradley International Airport's  
5818 interests and ensure that Bradley International Airport's potential as  
5819 an economic development resource for the state and region are fully  
5820 realized; (5) ensure that an appropriate mission statement and set of  
5821 strategic goals for Bradley International Airport are established and  
5822 that progress toward accomplishing the mission and strategic goals is  
5823 regularly assessed; (6) approve Bradley International Airport's master  
5824 plan; (7) establish and review policies and plans for marketing the  
5825 airport and for determining the best use of airport property; (8) ensure  
5826 appropriate independent expertise is available to advise the Bradley  
5827 Board of Directors, particularly in the areas of strategy and marketing  
5828 and select consultants as necessary, for purposes related to strategy  
5829 and marketing, pursuant to procedures established by the board; (9)  
5830 ensure customer service standards, performance targets and  
5831 performance assessment systems are established for the airport

5832 enterprise; (10) approve community relations policies and ensure that  
5833 the community advisory board, created pursuant to section 15-101pp,  
5834 operates effectively to ensure that community comment and  
5835 information is regularly and fully considered in decisions related to  
5836 Bradley International Airport; (11) create a code of conduct for the  
5837 Bradley Board of Directors consistent with part I of chapter 10; (12)  
5838 report to the Governor and the General Assembly on an annual basis;  
5839 (13) establish procedures to review significant contracts, other than  
5840 collective bargaining agreements, relating to the operation of Bradley  
5841 International Airport prior to approval, which procedures shall require  
5842 completion of each such review no later than ten business days after  
5843 the board receives the contract; and (14) adopt rules for the conduct of  
5844 its business which shall not be considered regulations, as defined in  
5845 subdivision (13) of section 4-166.

5846 Sec. 226. Section 15-101oo of the general statutes is repealed and the  
5847 following is substituted in lieu thereof (*Effective January 1, 2010*):

5848 For administrative purposes only, the Bradley Board of Directors  
5849 shall perform its functions within the Department of Public  
5850 Transportation, Aviation and Ports. The administrative functions of  
5851 the board of directors shall be performed by the Department of Public  
5852 Transportation, Aviation and Ports and the costs thereof, including the  
5853 cost of consultants recommended to advise the Bradley Board of  
5854 Directors, may be reimbursed by the Enterprise Fund. Consultants  
5855 recommended by the Bradley Board of Directors shall be engaged by  
5856 the Department of Public Transportation, Aviation and Ports but shall  
5857 report to the Bradley Board of Directors. The selection and engagement  
5858 of consultants for the Bradley Board of Directors shall be exempt from  
5859 sections 13b-20b to 13b-20m, inclusive, and sections 4-212 to 4-219,  
5860 inclusive.

5861 Sec. 227. Section 15-103 of the general statutes is repealed and the  
5862 following is substituted in lieu thereof (*Effective January 1, 2010*):

5863 The Commissioner of Public Transportation, Aviation and Ports

5864 shall provide for hearings upon request of any person who may be  
5865 affected by his orders or acts under the provisions of this chapter and  
5866 may provide for a stay thereof until a hearing is had. Any person  
5867 aggrieved by any order or act of the commissioner hereunder may  
5868 appeal therefrom in accordance with the provisions of section 4-183.

5869 Sec. 228. Section 15-104 of the general statutes is repealed and the  
5870 following is substituted in lieu thereof (*Effective January 1, 2010*):

5871 (a) The operator of any aircraft involved in an accident within this  
5872 state in which any person is killed or injured or damage in excess of  
5873 one thousand dollars is sustained to the property of any person, other  
5874 than property owned by the owner or operator or in his care, custody  
5875 or control or carried in or on the aircraft, shall immediately but not  
5876 later than fourteen calendar days after the accident report the matter in  
5877 writing to the Commissioner of Public Transportation, Aviation and  
5878 Ports. If the operator is physically incapable of making the report, the  
5879 owner of the aircraft involved in the accident shall immediately but  
5880 not later than fourteen calendar days after learning of the accident  
5881 make the report. If neither the operator nor the owner is physically  
5882 capable of making the report, then each passenger shall, within ten  
5883 days after learning of the incapacity of the operator or owner, make the  
5884 report. If the owner or operator dies as a result of the accident, the  
5885 legal representative of the operator or owner shall make the report  
5886 within ten days after his qualification. The state police shall notify the  
5887 commissioner thereof in writing immediately but not later than  
5888 fourteen calendar days after learning of the accident.

5889 (b) The report, the form of which shall be prescribed by the  
5890 commissioner, shall include information to enable the commissioner to  
5891 determine whether the requirements for the deposit of security under  
5892 section 15-105 are inapplicable by reason of the existence of insurance  
5893 or other exceptions specified in this chapter. The commissioner may  
5894 rely upon the accuracy of the information until he has reason to believe  
5895 that the information is erroneous.

5896 (c) The operator and the owner shall furnish such additional  
5897 information as the commissioner may require.

5898 Sec. 229. Section 13a-1 of the general statutes is repealed and the  
5899 following is substituted in lieu thereof (*Effective January 1, 2010*):

5900 (a) As used in this title:

5901 (1) "Commissioner" means the Commissioner of [Transportation]  
5902 Highways and includes each successor in office or authority;

5903 (2) "Highway" includes streets and roads;

5904 (3) "Limited access state highway" means any state highway so  
5905 designated under the provisions of section 13b-27; and

5906 (4) "State highway" means a highway, bridge or appurtenance to a  
5907 highway or bridge designated as part of the state highway system  
5908 within the provisions of chapter 237, or a highway, bridge or  
5909 appurtenance to a highway or bridge specifically included in the state  
5910 highway system by general statute.

5911 (b) Wherever in the general statutes or special acts pertaining to  
5912 highways the word "town" is used, it shall include city or borough. The  
5913 word "selectmen", wherever the same occurs in the general statutes  
5914 which relate to the care and maintenance of highways, shall, in relation  
5915 to towns having a consolidated town and city government and bound  
5916 to care for and maintain the highways in such towns, be construed to  
5917 mean the board, officer or commission having charge of the care and  
5918 maintenance of such highways.

5919 Sec. 230. Section 13a-3b of the general statutes is repealed and the  
5920 following is substituted in lieu thereof (*Effective January 1, 2010*):

5921 Notwithstanding any provision of any statute to the contrary, the  
5922 Commissioner of [Transportation] Highways or his agent, with the  
5923 approval of the Claims Commissioner, may enter upon private

5924 property with the consent of the owner to restore or to repair damage  
5925 on said property caused by Department of Public Transportation,  
5926 Aviation and Ports operations, provided no expenditure exceeding  
5927 five thousand dollars shall be made on any property. Said Claims  
5928 Commissioner may grant his approval upon the basis of affidavits  
5929 filed by the Commissioner of Public Transportation, Aviation and  
5930 Ports and the property owner, or may require such further written and  
5931 oral evidence as he deems necessary.

5932 Sec. 231. Section 13a-5 of the general statutes is repealed and the  
5933 following is substituted in lieu thereof (*Effective January 1, 2010*):

5934 The commissioner, upon request of the Federal Highway  
5935 Administrator, Federal Highway Administration, Department of  
5936 Transportation of the United States, may enter into agreements, subject  
5937 to the limitations of section 13a-6, with the Federal Highway  
5938 Administration for the making of surveys, plans, specifications and  
5939 estimates for, and for the construction and maintenance of, roads and  
5940 bridges necessary to provide access to military and naval reservations,  
5941 to defense industries and defense industry sites and to sources of raw  
5942 materials, and for replacing existing highways and highway  
5943 connections shut off from public use at military and naval reservations  
5944 and defense industry sites. Notwithstanding any other provisions of  
5945 law, he may enter into contracts in any manner approved by said  
5946 Federal Highway Administrator for the construction of any such roads  
5947 or bridges, or may cause such construction and maintenance work to  
5948 be performed by employees of the Department of [Transportation]  
5949 Highways of this state.

5950 Sec. 232. Section 13a-12 of the general statutes is repealed and the  
5951 following is substituted in lieu thereof (*Effective January 1, 2010*):

5952 Any town having a borough within its limits shall pay to such  
5953 borough such part of the moneys, collected or appropriated by such  
5954 town for the repairs of highways, as is agreed upon between the  
5955 selectmen of such town and an equal number of the burgesses of such

5956 borough or, in the event of their disagreement, as is fixed by the  
5957 casting vote of the Commissioner of [Transportation] Highways, but  
5958 no person who is at the same time both a selectman and a burgess shall  
5959 act in any such matter. After making such payment, such town shall  
5960 not be liable to repair any highway in such borough or for any  
5961 damages which occur to any person or his property by reason of any  
5962 defective highway in such borough, which shall be liable therefor as  
5963 towns are liable; but such town shall continue to be liable to build and  
5964 repair all bridges in such borough. All moneys received by any  
5965 borough for such purpose shall be expended under the direction of its  
5966 warden and burgesses, who may construct and repair highways  
5967 therein and make and cause to be executed all proper orders relating  
5968 thereto. The warden and burgesses may, from time to time, appoint a  
5969 committee who shall superintend and direct the construction,  
5970 maintenance and repairs of highways in such borough and execute  
5971 their orders respecting the same; and such borough shall pay such  
5972 committee such compensation as such warden and burgesses from  
5973 time to time determine. The provisions of this section shall not take  
5974 effect in any town until they have been approved by it; and a certified  
5975 copy of the warning of the meeting approving the same and of the vote  
5976 of approval shall, within ten days thereafter, be filed with the Secretary  
5977 of the State.

5978       Sec. 233. Section 13a-13a of the general statutes is repealed and the  
5979 following is substituted in lieu thereof (*Effective January 1, 2010*):

5980       (a) On or before January 1, 1999, the Commissioner of  
5981 [Transportation] Highways shall establish alternative design standards  
5982 for bridges, principal and minor arterial roads, collector roads and  
5983 local roads and streets.

5984       (b) In establishing the standards required under subsection (a) of  
5985 this section, the commissioner shall solicit and consider the views of  
5986 chief elected officials and organizations, including, but not limited to,  
5987 the Connecticut Trust for Historic Preservation, regional councils of

5988 governments, the Connecticut Council on the Arts, the Federal  
5989 Highway Administration and the Rural Development Council.

5990 Sec. 234. Section 13a-57a of the general statutes is repealed and the  
5991 following is substituted in lieu thereof (*Effective January 1, 2010*):

5992 Whenever the Commissioner of [Transportation] Highways is  
5993 engaged in the planning of any limited access highway, interchange or  
5994 connector to be located within the limits of any town, city or borough  
5995 or consolidated town and city or consolidated town and borough he  
5996 shall consult, to the fullest extent possible, with the chief executive  
5997 officer and the planning commission, if any, of such town, city or  
5998 borough or consolidated town and city or consolidated town and  
5999 borough so as to conserve, preserve and, if possible, enhance the  
6000 environment by insuring through such consultations that the proposed  
6001 works will have the least adverse impact on the environment.

6002 Sec. 235. Section 13a-57b of the general statutes is repealed and the  
6003 following is substituted in lieu thereof (*Effective January 1, 2010*):

6004 The Commissioner of [Transportation] Highways shall, whenever  
6005 possible, encourage the inclusion of areas for bicycles and pedestrians  
6006 when (1) creating a layout of a state highway, in accordance with  
6007 section 13a-57, or (2) relocating a state highway, in accordance with  
6008 section 13a-56.

6009 Sec. 236. Section 13a-58 of the general statutes is repealed and the  
6010 following is substituted in lieu thereof (*Effective January 1, 2010*):

6011 When the Commissioner of [Transportation] Highways proposes to  
6012 build any new state highway over any land within the state, if the land  
6013 to be taken is not along an existing highway, said commissioner shall  
6014 hold a public hearing at which time he shall set forth the route and any  
6015 alternative routes along which such highway is proposed, giving  
6016 notice of the time and place of such hearing by publication in a  
6017 newspaper having a substantial circulation in each town, city or



6018 borough affected, at least twice, at intervals of not less than two days,  
6019 the first not more than fifteen days nor less than ten days and the  
6020 second not less than two days before such hearing. A copy of the map  
6021 showing the proposed layout and any alternative layouts of such  
6022 highway shall be delivered to the town clerk who shall display such  
6023 map for public inspection, at least ten days before such hearing, in the  
6024 office of the clerk of each town, city or borough in which the highway  
6025 is located. Such public hearing shall be held in some town or city to be  
6026 selected by the commissioner wherein the majority in area of the land  
6027 to be taken is located. At such hearing the commissioner shall show the  
6028 proposed layout and any alternative layouts and state the reason for  
6029 the selection of such route, and any persons who are opposed to such  
6030 layout or route shall be heard and may state their reasons therefor. All  
6031 expenses of such hearing shall be borne by the Department of  
6032 [Transportation] Highways. Upon the completion of such hearing, a  
6033 consideration of all the evidence relevant to the selection of such route  
6034 and the objections thereto shall be made, and said commissioner may  
6035 make such changes as he deems to be in the public interest. If five  
6036 years elapses from the date of such hearing and none of the land  
6037 proposed to be used for such highway has been taken by the state, the  
6038 commissioner shall hold a new public hearing in the manner provided  
6039 for in this section.

6040 Sec. 237. Section 13a-58a of the general statutes is repealed and the  
6041 following is substituted in lieu thereof (*Effective January 1, 2010*):

6042 Notwithstanding any provisions of the general statutes or any  
6043 special act to the contrary, no zoning commission or combined  
6044 planning and zoning commission shall change the zoning of any  
6045 property situated wholly or partially within the limits of a state  
6046 highway laid out by the Commissioner of [Transportation] Highways  
6047 pursuant to section 13a-57 after said commissioner has selected the  
6048 route for such highway following the public hearing required by  
6049 section 13a-58 and has notified the clerk of the town, city or borough in  
6050 which the proposed highway is to be located, of such selection, for a

6051 period of two years from the date of such notification.

6052 Sec. 238. Section 13a-60a of the general statutes is repealed and the  
6053 following is substituted in lieu thereof (*Effective January 1, 2010*):

6054 (a) Whenever a driveway requires repairing, reconstructing or  
6055 relocating as a result of state highway relocation, repair, construction  
6056 or reconstruction, and there is no taking of private property involved,  
6057 the Commissioner of [Transportation] Highways may enter upon such  
6058 private property for the purpose of repairing, relocating or  
6059 reconstructing such driveway. He shall use care that no unnecessary  
6060 damage shall result and the cost of such repair, relocation or  
6061 reconstruction and of any damage or injury caused to such property  
6062 shall be paid from appropriations made to the commissioner.

6063 (b) Whenever a driveway requires repairing, reconstructing or  
6064 relocating as a result of any municipal highway relocation, repair,  
6065 construction or reconstruction, and there is no taking of private  
6066 property involved, an official of the municipality where such driveway  
6067 is located who is charged with highway construction or maintenance  
6068 duties may enter upon such private property for the purpose of  
6069 repairing, relocating or reconstructing such driveway. He shall use  
6070 care that no unnecessary damage shall result and the cost of such  
6071 repair, relocation or reconstruction and of any damage or injury  
6072 caused to such property shall be paid by the municipality.

6073 Sec. 239. Section 13a-73 of the general statutes is repealed and the  
6074 following is substituted in lieu thereof (*Effective January 1, 2010*):

6075 (a) "Real property", as used in this section, includes land and  
6076 buildings and any estate, interest or right in land.

6077 (b) The commissioner may take any land he finds necessary for the  
6078 layout, alteration, extension, widening, change of grade or other  
6079 improvement of any state highway or for a highway maintenance  
6080 storage area or garage and the owner of such land shall be paid by the

6081 state for all damages, and the state shall receive from such owner the  
6082 amount or value of all benefits, resulting from such taking, layout,  
6083 alteration, extension, widening, change of grade or other  
6084 improvement. The use of any site acquired for highway maintenance  
6085 storage area or garage purposes by condemnation shall conform to any  
6086 zoning ordinance or development plan in effect for the area in which  
6087 such site is located, provided the commissioner may be granted any  
6088 variance or special exception as may be made pursuant to the zoning  
6089 ordinances and regulations of the town in which any such site is to be  
6090 acquired. The assessment of such damages and of such benefits shall  
6091 be made by the commissioner and filed by him with the clerk of the  
6092 superior court for the judicial district in which the land affected is  
6093 located. The commissioner shall give notice of such assessment to each  
6094 person having an interest of record therein by mailing to each a copy  
6095 of the same, postage prepaid, and, at any time after such assessment  
6096 has been made by the commissioner, the physical construction of such  
6097 layout, alteration, extension, widening, maintenance storage area or  
6098 garage, change of grade or other improvement may be made. If notice  
6099 cannot be given to any person entitled thereto because his  
6100 whereabouts or existence is unknown, notice may be given by  
6101 publishing a notice at least twice in a newspaper published in the  
6102 judicial district and having a daily or weekly circulation in the town in  
6103 which the property affected is located. Any such published notice shall  
6104 state that it is a notice to the last owner of record or his surviving  
6105 spouse, heirs, administrators, assigns, representatives or creditors if he  
6106 is deceased, and shall contain a brief description of the property taken.  
6107 Notice shall also be given by mailing to each such person at his last-  
6108 known address, by registered or certified mail, a copy of such notice.  
6109 If, after a search of the land and probate records, the address of any  
6110 interested party cannot be found, an affidavit stating such facts and  
6111 reciting the steps taken to establish the address of any such person  
6112 shall be filed with the clerk of the court and accepted in lieu of service  
6113 of such notice by mailing the same to the last known address of such  
6114 person. Upon filing an assessment with the clerk of the court, the

6115 commissioner shall forthwith sign and file for record with the town  
6116 clerk of the town in which such real property is located a certificate  
6117 setting forth the fact of such taking, a description of the real property  
6118 so taken and the names and residences of the owners from whom it  
6119 was taken. Upon the filing of such certificate, title to such real property  
6120 in fee simple shall vest in the state of Connecticut, except that, if it is so  
6121 specified in such certificate, a lesser estate, interest or right shall vest in  
6122 the state. The commissioner shall permit the last owner of record of  
6123 such real property upon which a residence is situated to remain in  
6124 such residence, rent free, for a period of one hundred twenty days after  
6125 the filing of such certificate.

6126 (c) The commissioner may purchase any land and take a deed  
6127 thereof in the name of the state when such land is needed in  
6128 connection with the layout, construction, repair, reconstruction or  
6129 maintenance of any state highway or bridge, and any land or buildings  
6130 or both, necessary, in the commissioner's opinion, for the efficient  
6131 accomplishment of the foregoing purpose, and may further, when the  
6132 commissioner determines that it is in the best interests of the state,  
6133 purchase, lease or otherwise arrange for the acquisition or exchange of  
6134 land or buildings or both for use as a highway maintenance storage  
6135 area or garage, provided any purchase of such land or land and  
6136 buildings in an amount in excess of the sum of one hundred thousand  
6137 dollars shall be approved by a state referee. The commissioner, with  
6138 the advice and consent of the Attorney General, may settle and  
6139 compromise any claim by any person, firm or corporation claiming to  
6140 be aggrieved by such layout, construction, reconstruction, repair or  
6141 maintenance by the payment of money, the transfer of other land  
6142 acquired for or in connection with highway purposes, or otherwise.

6143 (d) The commissioner may purchase or take in the name of the state  
6144 any land, buildings, interest in land, easements or other rights he finds  
6145 necessary for the layout, construction, maintenance or use of roads or  
6146 bridges authorized by section 13a-5, under the provisions of this title  
6147 relating to the purchase and taking of land for state highways. Any

6148 person aggrieved by any such action of the commissioner shall have  
6149 the same rights of appeal as provided in this title in relation to the  
6150 taking of land by the commissioner for highway purposes.

6151 (e) The commissioner may take any land (1) which is necessary for  
6152 the construction of any ditch, drain, gutter or other structure which is  
6153 required for the purpose of draining any state highway; or (2) which is  
6154 required for the purpose of preserving any historical monument or  
6155 memorial, the removal of which is made necessary by the construction  
6156 or reconstruction of a state highway. The commissioner may assess  
6157 benefits and damages caused by any such construction and for the  
6158 taking of any such land under the provisions of subsection (b) of this  
6159 section and sections 13a-74, 13a-76, 13a-77 and 13a-78 and any person  
6160 aggrieved by the assessment of any such benefits or damages shall be  
6161 entitled to the relief provided for in said sections.

6162 (f) The commissioner may take or purchase rights of access to and  
6163 egress from land abutting any highway or land taken or purchased as  
6164 right-of-way therefor, or any other highway for the purpose of  
6165 protecting the functional characteristics of any state highway or state  
6166 highway appurtenances or safety of the traveling public to and from  
6167 any state highway or state highway appurtenances when in his  
6168 judgment such limitation of access is necessary to permit the  
6169 convenient, safe and expeditious flow of traffic. Such taking or  
6170 purchase shall be in the same manner and with like powers as  
6171 authorized and exercised by said commissioner in taking or  
6172 purchasing real property for state highway purposes.

6173 (g) When the [Commissioner of Transportation] commissioner finds  
6174 it necessary that real property, the title to which is in the state of  
6175 Connecticut and which is under the custody and control of any state  
6176 department, commission or institution, be taken for the purpose of  
6177 drainage, construction, alteration, reconstruction, improvement,  
6178 relocation, widening and change of grade of any highway to be  
6179 constructed under his supervision, he shall petition the Secretary of the

6180 Office of Policy and Management that custody of such real property be  
6181 transferred to him as Commissioner of [Transportation] Highways.  
6182 Such petition shall set forth the necessity for such transfer and control.  
6183 The Secretary of the Office of Policy and Management shall present  
6184 such petition to the department, commission or institution having  
6185 custody and control of such real property, and, upon the  
6186 recommendation of, and subject to such consideration as may be  
6187 required by, such department, commission or institution and with the  
6188 approval of the Secretary of the Office of Policy and Management, such  
6189 department, commission or institution shall transfer the custody and  
6190 control of such real property to the Commissioner of [Transportation]  
6191 Highways for the purposes required.

6192 (h) All sales or exchanges of surplus property by the Department of  
6193 [Transportation] Highways and matters dealing with the initial  
6194 acquisition of any existing mass transit system or the purchase or sale  
6195 of properties acquired in connection with any state highway system or  
6196 mass transit system shall be subject to review and approval of the State  
6197 Properties Review Board except that those acquisitions and  
6198 administrative settlements relating to such properties which involve  
6199 sums not in excess of five thousand dollars shall be reported to the  
6200 board by the Commissioner of [Transportation] Highways but shall  
6201 not be subject to such review and approval. The Commissioner of  
6202 Public Works shall be informed for inventory purposes of any transfer  
6203 effectuated in connection with this section. The State Properties  
6204 Review Board shall not grant such approval if the Department of  
6205 [Transportation] Highways has failed to comply with any applicable  
6206 statutes in connection with the proposed action.

6207 Sec. 240. Section 13a-76 of the general statutes is repealed and the  
6208 following is substituted in lieu thereof (*Effective January 1, 2010*):

6209 Any person claiming to be aggrieved by the assessment of such  
6210 special damages or such special benefits by the commissioner may, at  
6211 any time within six months after the same has been so filed, apply to

6212 the superior court for the judicial district within which such land is  
6213 situated for a reassessment of such damages or such benefits so far as  
6214 the same affect such applicant. The court, after causing notice of the  
6215 pendency of such application to be given to the commissioner, may  
6216 appoint a judge trial referee to make such reassessment of such  
6217 damages or such benefits. The court or such judge trial referee, after  
6218 giving at least ten days' notice to the parties interested of the time and  
6219 place of hearing, shall hear the applicant and the commissioner, may  
6220 view the land, and shall take such testimony as the court or such judge  
6221 trial referee deems material and shall thereupon reassess such  
6222 damages and benefits so far as they affect such applicant. The  
6223 reassessment by the court or such judge trial referee shall take into  
6224 account any evidence relevant to the fair market value of the property,  
6225 including evidence of required environmental remediation by the  
6226 Department of [Transportation] Highways. The court or such judge  
6227 trial referee shall make a separate finding for remediation costs, and  
6228 the property owner shall be entitled to a set-off of such costs in any  
6229 pending or subsequent legal action to recover remediation costs for the  
6230 property. If the amount of the reassessment of such damages awarded  
6231 to any such property owner exceeds the amount of the assessment of  
6232 such damages by the commissioner for such land, the court or such  
6233 judge trial referee shall award to such property owner such appraisal  
6234 fees as the court or such judge trial referee determines to be  
6235 reasonable. If no appeal to the Appellate Court is filed within the time  
6236 allowed by law, or if one is filed and the proceedings have terminated  
6237 in a final judgment finding the amount due the landowner, the clerk  
6238 shall send a certified copy of the assessment of the commissioner and  
6239 of the judgment to the Comptroller, who shall, upon receipt thereof,  
6240 draw an order upon the Treasurer in favor of the landowner for the  
6241 amount due the landowner as damages. The pendency of any such  
6242 application for reassessment shall not prevent or delay the layout,  
6243 extension, alteration, widening, change of grade or other improvement  
6244 of any such highway.

6245 Sec. 241. Section 13a-79c of the general statutes is repealed and the

6246 following is substituted in lieu thereof (*Effective January 1, 2010*):

6247 The Commissioner of [Transportation] Highways is authorized to  
6248 request the United States Secretary of Transportation to advance  
6249 funds, without interest, to the state for early acquisition of property  
6250 when the need for such early acquisition meets the rules and  
6251 regulations prescribed by said Secretary of Transportation and may  
6252 use such funds for the acquisition of rights-of-way, including the net  
6253 cost to the state of property management, if any, and related moving  
6254 and relocation payments authorized by state or federal statute or  
6255 regulation.

6256 Sec. 242. Section 13a-80 of the 2008 supplement to the general  
6257 statutes is repealed and the following is substituted in lieu thereof  
6258 (*Effective January 1, 2010*):

6259 (a) The commissioner, with the advice and consent of the Secretary  
6260 of the Office of Policy and Management and the State Properties  
6261 Review Board may sell, lease and convey, in the name of the state, or  
6262 otherwise dispose of, or enter into agreements concerning, any land  
6263 and buildings owned by the state and obtained for or in connection  
6264 with highway purposes or for the efficient accomplishment of the  
6265 foregoing purposes or formerly used for highway purposes, which real  
6266 property is not necessary for such purposes. The commissioner shall  
6267 notify the state representative and the state senator representing the  
6268 municipality in which said property is located within one year of the  
6269 date a determination is made that the property is not necessary for  
6270 highway purposes and that the department intends to dispose of the  
6271 property.

6272 (b) The Department of [Transportation] Highways shall obtain a full  
6273 appraisal on excess property prior to its sale. Except as provided in  
6274 subsection (c) of this section, transfers to other state agencies and  
6275 municipalities for purposes specified by the department shall be  
6276 exempt from the appraisal requirement. The department shall obtain a  
6277 second appraisal if such property is valued over one hundred



6278 thousand dollars and is not to be sold through public bid or auction.  
6279 Any appraisals or value reports shall be obtained prior to the  
6280 determination of a sale price of the excess property.

6281 (c) Notwithstanding the provisions of sections 3-14b and 4b-21 of  
6282 the 2008 supplement to the general statutes, no residential property  
6283 upon which a single-family dwelling is situated at the time it is  
6284 obtained by the department for highway purposes may be sold or  
6285 transferred pursuant to this section within twenty-five years of the  
6286 date of its acquisition without the department's first offering the owner  
6287 or owners of the property at the time of its acquisition a right of first  
6288 refusal to purchase the property at the amount of its appraised value  
6289 as determined in accordance with the provisions of subsection (b) of  
6290 this section, except for property offered for sale to municipalities prior  
6291 to July 1, 1988. Notice of such offer shall be sent to each such owner by  
6292 registered or certified mail, return receipt requested, within one year of  
6293 the date a determination is made that such property is not necessary  
6294 for highway purposes. Any such offer shall be terminated by the  
6295 department if it has not received written notice of the owner's  
6296 acceptance of the offer within sixty days of the date it was mailed.  
6297 Whenever the offer is not so accepted, the department shall offer  
6298 parcels which meet local zoning requirements for residential or  
6299 commercial use to other state agencies and shall offer parcels which do  
6300 not meet local zoning requirements for residential or commercial use  
6301 to all abutting landowners in accordance with department regulations.  
6302 If the sale or transfer of the property pursuant to this section results in  
6303 the existing property of an abutting landowner becoming a  
6304 nonconforming use as to local zoning requirements, the Commissioner  
6305 of [Transportation] Highways may sell or transfer the property to that  
6306 abutter without public bid or auction. The commissioner shall adopt  
6307 regulations, in accordance with the provisions of chapter 54,  
6308 establishing procedures for the disposition of excess property pursuant  
6309 to the provisions of this subsection in the event such property is  
6310 owned by more than one person.

6311 (d) Where the department has in good faith and with reasonable  
6312 diligence attempted to ascertain the identity of persons entitled to  
6313 notice under subsection (c) of this section and mailed notice to the last  
6314 known address of record of those ascertained, the failure to in fact  
6315 notify those persons entitled thereto shall not invalidate any  
6316 subsequent disposition of property pursuant to this section.

6317 Sec. 243. Section 13a-80a of the general statutes is repealed and the  
6318 following is substituted in lieu thereof (*Effective January 1, 2010*):

6319 (a) The Commissioner of [Transportation] Highways, with the  
6320 advice and consent of the Secretary of the Office of Policy and  
6321 Management, may, in the name of the state, sell, lease and convey, or  
6322 otherwise dispose of, or enter into agreements concerning, any interest  
6323 the state may have on, above or below any state highway right-of-way.  
6324 The Commissioner of [Transportation] Highways may place such  
6325 restrictions, conditions and qualifications on the use of any area as he  
6326 determines to be necessary to provide for the safety and adequacy of  
6327 highway facilities, and for the protection of abutting or adjacent land  
6328 users. A committee composed of the Commissioner of [Transportation]  
6329 Highways, the Secretary of the Office of Policy and Management and  
6330 the chief executive officer of the municipality in which the sale, lease or  
6331 other disposition of any interest in land on, above or below any state  
6332 highway right-of-way is proposed may also place such restrictions,  
6333 conditions and qualifications on the use of any area which they  
6334 determine to be necessary to provide for the efficient, economical and  
6335 socially beneficial use of the area.

6336 (b) The Commissioner of [Transportation] Highways shall have the  
6337 power to section off levels of space over or under the same location  
6338 and sell or lease varying levels to different parties.

6339 (c) Revenues from any transaction concerning the sale, lease or use  
6340 of space or multiple use or joint development of state highway rights-  
6341 of-way shall be deposited in the Special Transportation Fund.

6342       Sec. 244. Section 13a-80b of the general statutes is repealed and the  
6343 following is substituted in lieu thereof (*Effective January 1, 2010*):

6344       The Commissioner of [Transportation] Highways shall give priority  
6345 in the following order in the disposition or assignment of space or  
6346 multiple use or joint development under sections 13a-80a to 13a-80f,  
6347 inclusive, to the state, the municipality wherein the land is located, to  
6348 the federal government and to the need for housing persons,  
6349 businesses or other facilities displaced by state highway construction.

6350       Sec. 245. Section 13a-80c of the general statutes is repealed and the  
6351 following is substituted in lieu thereof (*Effective January 1, 2010*):

6352       The Commissioner of [Transportation] Highways shall not exercise  
6353 his authority under sections 13a-80a to 13a-80f, inclusive, if any loss of  
6354 revenues granted or to be granted from any agency or department of  
6355 the federal government for the state highway involved or any other  
6356 state highway shall be incurred thereby.

6357       Sec. 246. Section 13a-80d of the general statutes is repealed and the  
6358 following is substituted in lieu thereof (*Effective January 1, 2010*):

6359       The use of any space on, over or below any state highway right-of-  
6360 way leased by the Commissioner of [Transportation] Highways to a  
6361 lessee shall conform with zoning regulations and ordinances of the  
6362 local government in which the land is located or as modified by a  
6363 variance pursuant to legal process.

6364       Sec. 247. Section 13a-80f of the general statutes is repealed and the  
6365 following is substituted in lieu thereof (*Effective January 1, 2010*):

6366       The Commissioner of [Transportation] Highways may acquire by  
6367 purchase or condemnation, in the same manner and with like powers  
6368 as authorized and exercised by said commissioner in acquiring real  
6369 property for state highway purposes, such additional interests in land  
6370 or air space, and may accept gifts of interests in land or air space, as he  
6371 shall find necessary or appropriate to make feasible or enhance the

6372 multiple use and joint development of highway rights-of-way and  
6373 space over or under state highways under his control.

6374 Sec. 248. Section 13a-80h of the general statutes is repealed and the  
6375 following is substituted in lieu thereof (*Effective January 1, 2010*):

6376 At the request of any municipality which is undertaking a project to  
6377 rehabilitate, replace or demolish a bridge which supports a municipal  
6378 road using state or federal highway funds, the Commissioner of  
6379 [Transportation] Highways may enter into an agreement with such  
6380 municipality which sets forth the responsibilities of the parties in  
6381 connection with the acquisition of real property, as defined in  
6382 subsection (a) of section 13a-73, or rights of ingress to and egress from  
6383 land, which is required for such project. The commissioner shall  
6384 exercise his authority pursuant to this section in the same manner as  
6385 authorized and exercised by the commissioner in acquiring real  
6386 property for state highway purposes subject to the terms of the  
6387 agreement between the commissioner and the municipality.

6388 Sec. 249. Section 13a-85a of the general statutes is repealed and the  
6389 following is substituted in lieu thereof (*Effective January 1, 2010*):

6390 The Commissioner of [Transportation] Highways may acquire in  
6391 the name of the state by purchase or condemnation, in the same  
6392 manner and with like powers as authorized and exercised by said  
6393 commissioner in acquiring real property for state highway purposes,  
6394 and may accept gifts of interests in strips of land for the improvement  
6395 of such strips of land necessary for the preservation, restoration and  
6396 enhancement of scenic beauty adjacent to state highways, and may  
6397 acquire land in the manner stated above to develop such controlled  
6398 rest and recreation areas and sanitary and other facilities within or  
6399 adjacent to state highway rights-of-way as are reasonably necessary to  
6400 accommodate the traveling public. Said commissioner shall  
6401 promulgate regulations to carry out the provisions of this section,  
6402 which regulations shall not be less restrictive than the standards  
6403 promulgated and from time to time amended by the Federal Highway

6404 Administrator in respect to federal aid highways.

6405 Sec. 250. Section 13a-85c of the 2008 supplement to the general  
6406 statutes is repealed and the following is substituted in lieu thereof  
6407 (*Effective January 1, 2010*):

6408 (a) The Commissioner of [Transportation] Highways, with the  
6409 advice and consent of the Secretary of the Office of Policy and  
6410 Management and the State Properties Review Board, may sell, lease  
6411 and convey, in the name of the state, or otherwise dispose of, or enter  
6412 into agreements concerning, any land and buildings owned by the  
6413 state and obtained for or in connection with the Route 6 Expressway,  
6414 which real property is not necessary for such purposes. The  
6415 commissioner shall notify the chief elected official of the municipality  
6416 in which said property is located and the state representative and the  
6417 state senator representing the municipality in which said property is  
6418 located not later than one year after the date a determination is made  
6419 that the property is not necessary for highway purposes and that the  
6420 department intends to dispose of the property. No such determination  
6421 shall be made without the commissioner first holding a public hearing  
6422 concerning such proposed disposition and the approval of the Federal  
6423 Highway Administration.

6424 (b) The Department of [Transportation] Highways shall obtain a full  
6425 appraisal on excess property prior to its sale pursuant to this section.  
6426 Except as provided in subsection (c) of this section, transfers to other  
6427 state agencies and municipalities for purposes specified by the  
6428 department shall be exempt from the appraisal requirement. The  
6429 department shall obtain a second appraisal if such property is valued  
6430 over one hundred thousand dollars and is not to be sold through  
6431 public bid or auction. If a second appraisal is obtained, the sale price  
6432 shall be the average of the two appraisals. Any appraisals or value  
6433 reports shall be obtained prior to the determination of a sale price of  
6434 the excess property.

6435 (c) Notwithstanding the provisions of sections 3-14b and 4b-21 of

6436 the 2008 supplement to the general statutes, no property, whether or  
6437 not a structure is situated upon it at the time it is obtained by the  
6438 department for highway purposes, may be sold or transferred  
6439 pursuant to this section not later than twenty-five years after the date  
6440 of its acquisition without the department first offering the owner or  
6441 owners of the property at the time of its acquisition a right of first  
6442 refusal to purchase the property at the amount of its appraised value  
6443 as determined in accordance with the provisions of subsection (b) of  
6444 this section, except for property offered for sale to municipalities prior  
6445 to the effective date of this section. Notice of such offer shall be sent to  
6446 each such owner by registered or certified mail, return receipt  
6447 requested, not later than one year after the date a determination is  
6448 made that such property is not necessary for highway purposes. Any  
6449 such offer shall be terminated by the department if it has not received  
6450 written notice of the owner's acceptance of the offer not later than  
6451 ninety days after the date it was mailed. Whenever the offer is not so  
6452 accepted, the department shall offer parcels which meet local zoning  
6453 requirements for residential or commercial use to other state agencies  
6454 and shall offer parcels which do not meet local zoning requirements  
6455 for residential or commercial use to all abutting landowners in  
6456 accordance with department regulations. If the sale or transfer of the  
6457 property pursuant to this section results in the existing property of an  
6458 abutting landowner becoming a nonconforming use as to local zoning  
6459 requirements, the commissioner may sell or transfer the property to  
6460 that abutter without public bid or auction. The commissioner shall  
6461 adopt regulations, in accordance with the provisions of chapter 54,  
6462 establishing procedures for the disposition of excess property pursuant  
6463 to the provisions of this subsection in the event such property is  
6464 owned by more than one person.

6465 (d) Where the department has in good faith and with reasonable  
6466 diligence attempted to ascertain the identity of persons entitled to  
6467 notice under subsection (c) of this section and mailed notice to the last-  
6468 known address of record of those ascertained, the failure to in fact  
6469 notify those persons entitled thereto shall not invalidate any

6470 subsequent disposition of property pursuant to this section.

6471 Sec. 251. Section 13a-95a of the general statutes is repealed and the  
6472 following is substituted in lieu thereof (*Effective January 1, 2010*):

6473 The Commissioner of [Transportation] Highways may, in the  
6474 performance of his duties under this title and title 13b and  
6475 notwithstanding the provisions of any general statute to the contrary,  
6476 award contracts in a total amount not in excess of fifteen million  
6477 dollars and not in excess of five million dollars per firm for any fiscal  
6478 year, bidding for which shall be limited to (1) "small business concerns  
6479 owned and controlled by socially and economically disadvantaged  
6480 individuals" as defined in the federal Small Business Act, 94 Stat. 2321  
6481 (1980) 15 USC 637, and (2) minority business enterprises, as defined in  
6482 section 4a-60g of the 2008 supplement to the general statutes. The  
6483 commissioner may expend an amount not in excess of three hundred  
6484 thousand dollars in any fiscal year for the purpose of assisting such  
6485 concerns in bidding on such contracts. Such assistance shall include,  
6486 but not be limited to, advice concerning bonding, legal requirements of  
6487 proper bidding, bid documents, accounting requirements and other  
6488 matters that will enable such concerns to file a proper bid.

6489 Sec. 252. Section 13a-97b of the general statutes is repealed and the  
6490 following is substituted in lieu thereof (*Effective January 1, 2010*):

6491 Not later than July 1, 1996, the Commissioner of [Transportation]  
6492 Highways shall adopt regulations in accordance with the provisions of  
6493 chapter 54 to establish an "adopt a highway program" which will  
6494 permit business organizations and nonprofit community organizations  
6495 to participate in litter control and beautification activities on all state  
6496 highways and to receive recognition for their participation in such  
6497 activities.

6498 Sec. 253. Section 13a-97c of the general statutes is repealed and the  
6499 following is substituted in lieu thereof (*Effective January 1, 2010*):

6500 The Commissioner of [Transportation] Highways may enter into  
6501 contracts for repair, improvement and maintenance work on any  
6502 limited access highway, or concerning any adopt a highway program,  
6503 excluding the Merritt Parkway.

6504 Sec. 254. Section 13a-98a of the general statutes is repealed and the  
6505 following is substituted in lieu thereof (*Effective January 1, 2010*):

6506 When, in the judgment of the Commissioner of [Transportation]  
6507 Highways, a frontage road will assist in the proper operation of a  
6508 limited access highway, said commissioner may agree with authorized  
6509 officials of the town in which such frontage road is or is to be located  
6510 to construct such frontage road from appropriations made to the  
6511 Department of [Transportation] Highways, provided the town shall  
6512 agree to assume the maintenance, responsibility, authority, liability  
6513 and jurisdiction over and accept title to such frontage road upon  
6514 completion of its construction. "Frontage road" as used in this section  
6515 means a road designed to furnish access to property which otherwise  
6516 would be isolated as a result of the construction of a limited access  
6517 highway, or to preserve local road circulation.

6518 Sec. 255. Section 13a-98b of the general statutes is repealed and the  
6519 following is substituted in lieu thereof (*Effective January 1, 2010*):

6520 For the purposes of this section, "urban arterial street" means a  
6521 street which brings traffic to and from a limited access highway or  
6522 serves major movements of traffic within or through a municipality  
6523 not served by a limited access highway. When, in the judgment of the  
6524 Commissioner of [Transportation] Highways and in connection with  
6525 the construction, reconstruction, improvement or widening of a  
6526 limited access highway, an urban arterial street will assist in the proper  
6527 operation and improvement of traffic service afforded by such limited  
6528 access highway, said commissioner may agree with the authorized  
6529 officials of the municipality in which such urban arterial street is  
6530 located to construct, reconstruct, improve or widen such urban arterial  
6531 street from appropriations made to the Department of [Transportation]



6532 Highways, provided such municipality shall assume the maintenance,  
6533 responsibility, authority, liability and jurisdiction over any new urban  
6534 arterial street upon completion of its construction.

6535 Sec. 256. Section 13a-98l of the general statutes is repealed and the  
6536 following is substituted in lieu thereof (*Effective January 1, 2010*):

6537 The Commissioner of [Transportation] Highways shall revise the  
6538 specifications for materials used for projects undertaken by the  
6539 commissioner to encourage the use of recycled materials to the  
6540 maximum extent possible consistent with public safety and economic  
6541 feasibility.

6542 Sec. 257. Section 13a-100a of the general statutes is repealed and the  
6543 following is substituted in lieu thereof (*Effective January 1, 2010*):

6544 The person required to maintain any bridge constructed over any  
6545 section of the National System of Interstate and Defense Highways  
6546 located within this state, which bridge (1) is constructed or undergoes  
6547 major reconstruction, as determined by the Commissioner of  
6548 [Transportation] Highways, on or after October 1, 2000, and (2) has a  
6549 defined pedestrian walkway, shall install and maintain fencing along  
6550 such walkway to prevent pedestrians from throwing objects from such  
6551 walkway onto the highway below. The bridge located between the  
6552 Legislative Office Building and the State Capitol Building shall not be  
6553 subject to the provisions of this section.

6554 Sec. 258. Section 13a-106 of the general statutes is repealed and the  
6555 following is substituted in lieu thereof (*Effective January 1, 2010*):

6556 When any town highway is maintained, improved, constructed or  
6557 reconstructed on a force account basis by expenditure of funds  
6558 allocated under sections 13a-175a to 13a-175f, inclusive, the furnishing  
6559 of gravel, sand or wood posts by competitive bids under section 4a-57  
6560 shall not be required when suitable material, meeting Department of  
6561 [Transportation] Highways specifications, is available to the town at a

6562 unit price acceptable to the commissioner.

6563 Sec. 259. Section 13a-110a of the general statutes is repealed and the  
6564 following is substituted in lieu thereof (*Effective January 1, 2010*):

6565 (a) As used in this section:

6566 (1) "Fixture" means the assembly that holds a lamp and may include  
6567 an assembly housing, a mounting bracket or pole socket, a lamp  
6568 holder, a ballast, a reflector or mirror, and a refractor or lens;

6569 (2) "Full cutoff luminaire" means a luminaire that allows no direct  
6570 light emissions above a horizontal plane through the luminaire's  
6571 lowest light-emitting part;

6572 (3) "Glare" means direct light emitting from a luminaire that causes  
6573 reduced vision or momentary blindness;

6574 (4) "Illuminance" means the level of light measured at a surface;

6575 (5) "Lamp" means the component of a luminaire that produces the  
6576 light;

6577 (6) "Light trespass" means light emitted by a luminaire that shines  
6578 beyond the boundaries of the property on which the luminaire is  
6579 located;

6580 (7) "Lumen" means a unit of measurement of luminous flux;

6581 (8) "Luminaire" means the complete lighting system, including the  
6582 lamp and the fixture;

6583 (9) "Municipality" shall have the same meaning as in subsection (a)  
6584 of section 7-148 of the 2008 supplement to the general statutes;

6585 (10) "Municipal funds" means any bond revenue or any money  
6586 appropriated or allocated by a municipality;

6587 (11) "Municipal road" means any public highway, road, street,

6588 avenue, alley, driveway, parkway or place, under the control of a  
6589 municipality of the state, dedicated, appropriated or opened to public  
6590 travel;

6591 (12) "Permanent outdoor luminaire" means any luminaire or system  
6592 of luminaires that is outdoors and intended to be used for seven days  
6593 or longer;

6594 (13) "State funds" means any bond revenues or any money  
6595 appropriated or allocated by the General Assembly; and

6596 (14) "State highway" shall have the same meaning as in subsection  
6597 (a) of section 13a-1.

6598 (b) Except as provided in subsection (c) of this section, no state or  
6599 municipal funds shall be used to install or replace a permanent  
6600 outdoor luminaire for roadway lighting unless (1) the luminaire is  
6601 designed to maximize energy conservation and to minimize light  
6602 pollution, glare and light trespass, (2) the luminaire's illuminance is  
6603 equal to the minimum illuminance adequate for the intended purpose  
6604 of the lighting, (3) for a luminaire with a rated output of more than  
6605 1800 lumens used on state secondary highways, as defined in section  
6606 13a-14, and state special service highways, as defined in said section  
6607 13a-14, such luminaire is a full cutoff luminaire, (4) for a luminaire  
6608 with a rated output of more than 1800 lumens used on municipal  
6609 roads, such luminaire is a full cutoff luminaire, (5) for a luminaire with  
6610 a rated output of more than 1800 lumens used on state primary  
6611 highways, as defined in said section 13a-14, for which, in the opinion  
6612 of the Commissioner of [Transportation] Highways, use of a full cutoff  
6613 luminaire shall not compromise the safety of the highway, increase the  
6614 cost of the lighting plan or lighting replacement for the highway or  
6615 violate any provision of federal law, such luminaire is a full cutoff  
6616 luminaire, (6) the Commissioner of [Transportation] Highways  
6617 determines that the purpose of the lighting installation or replacement  
6618 of lights on state highways cannot be achieved by reducing the speed  
6619 limit in the area to be lighted or by installing reflectorized roadway

6620 markers, lines, warnings, informational signs or other means of  
6621 passive or reflective lighting, and (7) the chief elected officer of a  
6622 municipality or such officer's designee, determines that for a municipal  
6623 road the purpose of the lighting installation or replacement cannot be  
6624 achieved by reducing the speed limit in the area to be lighted or by  
6625 installing reflectorized roadway markers, lines, warnings,  
6626 informational signs or other means of passive or reflective lighting.

6627 (c) The Commissioner of [Transportation] Highways or the  
6628 commissioner's designee may waive the provisions of subdivision (3)  
6629 of subsection (b) of this section when, after a request for such a waiver  
6630 has been made and reviewed, the commissioner or the commissioner's  
6631 designee determines that such a waiver is necessary for the lighting  
6632 application. Requests for such a waiver shall be made to the  
6633 commissioner or the commissioner's designee in such form as the  
6634 commissioner shall prescribe and shall include, without limitation, a  
6635 description of the lighting plan, a description of the efforts that have  
6636 been made to comply with the provisions of subdivision (3) of  
6637 subsection (b) of this section and the reasons such a waiver is  
6638 necessary. In reviewing a request for such a waiver, the commissioner  
6639 shall consider design safety, costs and other factors deemed  
6640 appropriate by the commissioner.

6641 (d) The chief elected official of a municipality or said official's  
6642 designee may waive the provisions of subdivision (4) of subsection (b)  
6643 of this section when, after a request for such a waiver has been made  
6644 and reviewed, said official or said official's designee determines that  
6645 such a waiver is necessary for the lighting application. Requests for  
6646 such a waiver shall be made to said official or said official's designee in  
6647 such form as said official shall prescribe and shall include, without  
6648 limitation, a description of the lighting plan, a description of the efforts  
6649 that have been made to comply with the provisions of subdivision (4)  
6650 of subsection (b) of this section and the reasons such a waiver is  
6651 necessary. In reviewing a request for such a waiver, said official shall  
6652 consider design safety, costs and other factors deemed appropriate by

6653 said official.

6654 (e) No public utility company may install or replace a permanent  
6655 outdoor luminaire for roadway lighting, if the cost of operating such  
6656 luminaire is paid for by municipal funds, unless (1) the luminaire is  
6657 designed to maximize energy conservation and to minimize light  
6658 pollution, glare and light trespass, (2) the luminaire's illuminance is  
6659 equal to the minimum illuminance adequate for the intended purpose  
6660 of the lighting, and (3) for a luminaire with a rated output of more than  
6661 1800 lumens used on municipal roads, such luminaire is a full cutoff  
6662 luminaire. The chief elected official of a municipality or said official's  
6663 designee may waive the provisions of subdivision (3) of this subsection  
6664 when, after written notice from the public utility company thirty days  
6665 prior to the installation or replacement of said luminaire, said official  
6666 or said official's designee determines that a waiver is necessary for the  
6667 lighting application. Such notice shall be in such form as said official  
6668 shall prescribe and may include a description of the lighting plan and a  
6669 description of the efforts that have been made to comply with the  
6670 provisions of subdivision (3) of this subsection. Said official may  
6671 consider design safety, costs and other factors deemed appropriate by  
6672 said official.

6673 (f) The provisions of this section shall not apply to the installation or  
6674 replacement of luminaires for which the Secretary of the Office of  
6675 Policy and Management (1) conducts a life-cycle cost analysis of one or  
6676 more luminaires which meet the requirements set forth in subsection  
6677 (b) of this section and one or more luminaires which do not meet such  
6678 requirements, and (2) certifies that a luminaire which meets such  
6679 requirements is not cost effective and is not the most appropriate  
6680 alternative based on the life-cycle cost analysis.

6681 Sec. 260. Section 13a-111 of the general statutes is repealed and the  
6682 following is substituted in lieu thereof (*Effective January 1, 2010*):

6683 The party bound to maintain any bridge or highway shall erect and  
6684 maintain a sufficient railing or fence on the sides of such bridge and on

6685 the sides of such parts of such road as are so made or raised above the  
6686 ground as to be unsafe for travel. The specifications for railings or  
6687 fences on state highways or bridges required to be erected and  
6688 maintained pursuant to this section shall be constructed equal to, or  
6689 better than, the current specifications and policies approved by the  
6690 Commissioner of [Transportation] Highways for the installation and  
6691 maintenance of roadside appurtenances. A railing or fence that is  
6692 reasonably maintained under said specifications shall be deemed  
6693 sufficient under the provisions of this section.

6694 Sec. 261. Section 13a-115 of the general statutes is repealed and the  
6695 following is substituted in lieu thereof (*Effective January 1, 2010*):

6696 (a) The Commissioner of [Transportation] Highways may close or  
6697 restrict traffic over any section of any state highway or bridge for the  
6698 purpose of construction, reconstruction, maintenance or repair by  
6699 posting notices at each end of such section of highway or at each end  
6700 of such bridge. Any person who, without a permit from the  
6701 commissioner, closes any state highway or bridge shall be fined not  
6702 more than one hundred dollars.

6703 (b) If in the course of construction, reconstruction, maintenance or  
6704 repair of any state highway, the commissioner finds it necessary to  
6705 close a highway or bridge of any town, city, borough or municipal  
6706 corporation, he shall have the authority to do so in the manner  
6707 provided in subsection (a) of this section and the provisions of said  
6708 subsection and section 13a-145 shall be applicable thereto.

6709 Sec. 262. Section 13a-123 of the general statutes is repealed and the  
6710 following is substituted in lieu thereof (*Effective January 1, 2010*):

6711 (a) The erection of outdoor advertising structures, signs, displays or  
6712 devices within six hundred sixty feet of the edge of the right-of-way,  
6713 the advertising message of which is visible from the main traveled way  
6714 of any portion of the National System of Interstate and Defense  
6715 Highways, hereinafter referred to as interstate highways, the primary

6716 system of federal-aid highways or other limited access state highways,  
6717 is prohibited except as otherwise provided in or pursuant to this  
6718 section, and except that those outdoor advertising signs, displays and  
6719 devices which are more than six hundred sixty feet off the nearest edge  
6720 of the right-of-way, located outside of urban areas, visible from the  
6721 main traveled way of the system and erected with the purpose of their  
6722 message being read from such main traveled way are prohibited.

6723 (b) The Commissioner of [Transportation] Highways may enter into  
6724 agreements with the Secretary of Commerce on behalf of the state or  
6725 any of its agencies to comply with Title I of the Highway Beautification  
6726 Act of 1965 and do such things as are necessary to enable the state to  
6727 be eligible for the bonus payments as set forth in an agreement  
6728 between the state and the Secretary of Commerce dated June 23, 1961.

6729 (c) The commissioner may promulgate regulations for the control of  
6730 outdoor advertising structures, signs, displays and devices along  
6731 interstate highways, the primary system of federal-aid highways and  
6732 other limited access state highways. Such regulations shall be as, but  
6733 not more, restrictive than the controls required by Title I of the  
6734 Highway Beautification Act of 1965 and any amendments thereto with  
6735 respect to the interstate and primary systems of federal-aid highways  
6736 or the national standards of the Secretary of Commerce in respect to  
6737 the interstate highways, in effect November 13, 1958, and any  
6738 amendments thereto.

6739 (d) The regulations promulgated by the commissioner shall, in the  
6740 case of such other limited access state highways, exclude any area  
6741 along either side of such highways which is zoned for industrial or  
6742 commercial use under local ordinance or zoning regulation and which,  
6743 upon application, is determined by the commissioner to be in actual  
6744 use as an industrial or commercial area at the time of application,  
6745 provided such exclusion shall remain operative only as long as such  
6746 area remains so zoned.

6747 (e) The following types of signs, displays and devices may, with the

6748 approval of and subject to regulations promulgated by the  
6749 commissioner, be permitted within the six-hundred-sixty-foot area of  
6750 interstate, primary and other limited access state highways, except as  
6751 prohibited by state statute, local ordinance or zoning regulation: (1)  
6752 Directional and other official signs or notices, which signs and notices  
6753 shall include, but not be limited to, signs and notices pertaining to  
6754 natural wonders and scenic and historical attractions which are  
6755 required or authorized by law; (2) signs, displays and devices  
6756 advertising the sale or lease of the property upon which they are  
6757 located; (3) signs, displays and devices advertising activities conducted  
6758 on the property on which they are located. Subject to regulations  
6759 promulgated by the commissioner and except as prohibited by state  
6760 statute, local ordinance or zoning regulation signs, displays and  
6761 devices may be erected and maintained within six hundred and sixty  
6762 feet of primary and other limited access state highways in areas which  
6763 are zoned for industrial or commercial use under authority of law or  
6764 located in unzoned commercial or industrial areas which areas shall be  
6765 determined from actual land uses and defined by regulations of the  
6766 commissioner. The regulations of the commissioner in regard to size,  
6767 spacing and lighting shall apply to any segments of the interstate  
6768 system which traverse commercial or industrial zones wherein the use  
6769 of real property adjacent to the interstate system is subject to municipal  
6770 regulation or control, or which traverse other areas where the land use,  
6771 as of September 21, 1959, was clearly established under state law as  
6772 industrial or commercial.

6773 (f) Notwithstanding the provisions of subsections (a) and (e) of this  
6774 section, signage that may be changed at intervals by electronic or  
6775 mechanical process or by remote control shall be permitted within six  
6776 hundred sixty feet of the edge of the right-of-way of any interstate,  
6777 federal-aid primary or other limited access state highway, except as  
6778 prohibited by state statute, local ordinance or zoning regulation,  
6779 provided such signage (1) has a static display lasting no less than six  
6780 seconds, (2) achieves a message change with all moving parts or  
6781 illumination moving or changing simultaneously over a period of



6782 three seconds or less, and (3) does not display any illumination that  
6783 moves, appears to move or changes in intensity during the static  
6784 display period.

6785 (g) (1) Whenever the commissioner deems it in the best interest of  
6786 the state, the commissioner may acquire by purchase, gift or  
6787 condemnation, in accordance with part IV of this chapter, the right to  
6788 advertise or regulate advertising in an area adjacent to the right-of-  
6789 way of a project on the interstate or primary system or any limited  
6790 access state highway. (2) The commissioner may also acquire by  
6791 purchase, gift or condemnation, and shall pay just compensation upon  
6792 the removal of the following outdoor advertising structures, signs,  
6793 displays and devices adjacent to interstate and federal-aid primary  
6794 highways which (A) were lawfully in existence on October 22, 1965, (B)  
6795 were lawfully on a highway made part of the interstate or primary  
6796 system on or after October 22, 1965, and before January 1, 1968, and (C)  
6797 were lawfully erected on or after January 1, 1968. Just compensation  
6798 for the removal of structures, signs, displays and devices along the  
6799 interstate and primary systems shall be paid only for the following: (i)  
6800 The taking from the owner of such sign, display or device of all right,  
6801 title, leasehold and interest in such structure, sign, display or device;  
6802 and (ii) the taking, from the owner of the real property on which the  
6803 structure, sign, display or device is located, of the right to erect and  
6804 maintain such structures, signs, displays and devices thereon.

6805 (h) Licenses or permits for outdoor structures, signs, displays or  
6806 devices adjacent to interstate, primary federal-aid or other limited  
6807 access state highways issued by the Commissioner of Public Safety in  
6808 accordance with chapter 411 shall be consistent with regulations and  
6809 standards adopted under this section.

6810 (i) In order to provide information in the specific interest of the  
6811 traveling public the Commissioner of [Transportation] Highways may  
6812 maintain maps and may permit informational directories and  
6813 advertising pamphlets to be made available at safety areas, and,

6814 subject to the approval of the Secretary of Commerce, may establish  
6815 information centers at safety rest areas for the purpose of informing  
6816 the public of places of interest within the state and providing such  
6817 other information as the commissioner may consider desirable. In  
6818 addition to being subject to the provisions of this section, all outdoor  
6819 advertising structures, signs, displays or devices shall continue to be  
6820 subject to the provisions of any municipal ordinance or regulation.

6821 (j) The commissioner may order the removal of any advertising  
6822 structure, sign, display or device along any interstate, federal-aid  
6823 primary, or other limited access state highway erected in violation of  
6824 this section. Any advertising structure, sign, display or device in  
6825 existence on September 1, 1965, within six hundred and sixty feet of  
6826 the right-of-way of any interstate, federal-aid primary, or other limited  
6827 access state highway may continue to be maintained until July 1, 1970,  
6828 but may not be replaced or relocated on such highway except (1) in  
6829 areas where otherwise allowed by statute or regulations adopted  
6830 thereunder, or (2) if such sign is removed from a building to which it is  
6831 attached for purposes of repair or reconstruction of the building, the  
6832 identical sign may be returned to its original position. Any advertising  
6833 structure, sign, display or device lawfully erected since September 1,  
6834 1965, within six hundred sixty feet of the right-of-way of any interstate,  
6835 federal-aid primary, or other limited access state highway and before  
6836 June 21, 1967, may continue to be maintained until the end of the fifth  
6837 year after it becomes nonconforming, but may not be replaced or  
6838 relocated on such highway except in areas where otherwise allowed by  
6839 statute or regulations adopted thereunder. If the person, firm or  
6840 corporation in control of or owning a structure, sign, display or device  
6841 or whose name appears thereon does not remove it within fourteen  
6842 days after an order of removal has been sent to such person, firm or  
6843 corporation by registered or certified mail, said commissioner may  
6844 cause such structure, sign, display or device to be removed and the  
6845 expense of such removal may be collected from the person, firm or  
6846 corporation owning or controlling the same in an action based on the  
6847 provisions of this section, or from the sureties on the bond filed by a

6848 nonresident person, firm or corporation pursuant to section 21-54.

6849 (k) Any person violating any provision of this section or of any  
6850 regulation, license, permit or order adopted or issued pursuant to this  
6851 section shall be subject to a civil penalty in the amount of one hundred  
6852 dollars for each day on which the violation occurs. Prior to imposing a  
6853 penalty under this section, the commissioner shall send such person a  
6854 written notice of the violation by certified mail, return receipt  
6855 requested. If such person terminates or corrects the violation by the  
6856 fifteenth day following such person's receipt of such notice, the  
6857 commissioner shall not impose such penalty on such person for such  
6858 violation. Any such violation that continues for more than sixty  
6859 consecutive days shall be cause for revocation of the permit granted  
6860 pursuant to this chapter with which the violation is associated.

6861 Sec. 263. Section 13a-123c of the general statutes is repealed and the  
6862 following is substituted in lieu thereof (*Effective January 1, 2010*):

6863 As used in sections 13a-123c to 13a-123j, inclusive, "highway" means  
6864 the federal interstate and primary systems and limited access state  
6865 highways as defined in section 13a-1; "federal interstate system" means  
6866 that portion of the National System of Interstate and Defense  
6867 Highways located within this state, as officially designated, or as may  
6868 hereafter be so designated, by the Commissioner of [Transportation]  
6869 Highways and approved by the Secretary of Commerce, pursuant to  
6870 the provisions of Title 23, United States Code; "federal primary system"  
6871 means that portion of connected main highways, as officially  
6872 designated, or as may hereafter be so designated, by the commissioner  
6873 and approved by the Secretary of Commerce, pursuant to the  
6874 provisions of Title 23, United States Code; "junk" means old or scrap  
6875 copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste  
6876 or junked, dismantled or wrecked automobiles, or parts thereof, iron,  
6877 steel, and other old or scrap ferrous or nonferrous material;  
6878 "automobile graveyard" means any establishment or place of business  
6879 which is maintained, used or operated for storing, keeping, buying or

6880 selling wrecked, scrapped, ruined or dismantled motor vehicles or  
6881 motor vehicle parts; "junkyard" means an establishment or place of  
6882 business which is maintained, used or operated for storing, keeping,  
6883 buying or selling junk, or for the maintenance or operation of an  
6884 automobile graveyard, garbage dumps and sanitary fills; "scrap metal  
6885 processing facility" means an establishment having facilities for  
6886 processing iron, steel or nonferrous scrap and whose principal produce  
6887 is scrap iron, steel or nonferrous scrap for sale for remelting purposes  
6888 only; and "effective control" means that, by January 1, 1968, junkyards,  
6889 and scrap metal processing facilities, existing in violation of sections  
6890 13a-123c to 13a-123j, inclusive, shall be screened by natural objects,  
6891 plantings, fences or other appropriate means so as not to be visible  
6892 from the main traveled way of any highway, as hereinafter defined, or  
6893 shall be removed from sight.

6894 Sec. 264. Section 13a-123d of the general statutes is repealed and the  
6895 following is substituted in lieu thereof (*Effective January 1, 2010*):

6896 The Commissioner of [Transportation] Highways may [promulgate]  
6897 adopt regulations, in accordance with the provisions of chapter 54, for  
6898 effective control of junkyards and scrap metal processing facilities, in  
6899 accordance with Section 136, Title 23 of the United States Code,  
6900 situated within one thousand feet of the nearest edge of the right-of-  
6901 way and visible from the main traveled way of a highway.

6902 Sec. 265. Section 13a-123e of the general statutes is repealed and the  
6903 following is substituted in lieu thereof (*Effective January 1, 2010*):

6904 No person, firm or corporation shall establish, operate or maintain a  
6905 junkyard, or scrap metal processing facility, any portion of which is  
6906 within one thousand feet of the nearest edge of the right-of-way and  
6907 visible from the main traveled way of a highway without obtaining a  
6908 certificate of approval from the Commissioner of [Transportation]  
6909 Highways that such junkyard or scrap metal processing facility may be  
6910 effectively controlled as required by sections 13a-123c to 13a-123j,  
6911 inclusive. No license shall be issued under chapter 405 or 406 if any

6912 portion of the business requiring such license is within one thousand  
6913 feet of the nearest edge of the right-of-way and visible from the main  
6914 traveled way of any highway, as defined in sections 13a-123c to 13a-  
6915 123j, inclusive, unless such certificate of approval has been obtained  
6916 from the commissioner.

6917 Sec. 266. Section 13a-123f of the general statutes is repealed and the  
6918 following is substituted in lieu thereof (*Effective January 1, 2010*):

6919 (a) Any junkyard or scrap metal processing facility, lawfully in  
6920 existence on October 1, 1967, which is within one thousand feet of the  
6921 nearest edge of the right-of-way and visible from the main traveled  
6922 way of any highway, as herein defined, and any junkyard or scrap  
6923 metal processing facility, which is at any time lawfully established  
6924 within one thousand feet of such edge and visible from the main  
6925 traveled way of any highway which at any time after October 1, 1967,  
6926 is made a part of the interstate or primary system, shall be screened, if  
6927 feasible, by the Commissioner of [Transportation] Highways at  
6928 locations within the highway right-of-way or in areas acquired for  
6929 such purposes outside the right-of-way so as not to be visible from the  
6930 main traveled way of such highways.

6931 (b) When the commissioner determines that the topography of the  
6932 land adjoining the highway will not permit adequate screening of such  
6933 junkyards or scrap metal processing facilities, or the screening of such  
6934 junkyards or scrap metal processing facilities would not be  
6935 economically feasible, the commissioner may acquire by gift, purchase,  
6936 exchange or condemnation such interests in lands on which the  
6937 junkyard or scrap metal processing facility is located as may be  
6938 necessary to secure the removal or disposal of the junkyards or scrap  
6939 metal processing facilities, and pay for the costs of removal or disposal  
6940 thereof. When the commissioner determines that it is in the best  
6941 interest of the state, he may acquire by purchase, gift, exchange or  
6942 condemnation such lands, or interests in lands, of the junkyard owner  
6943 or scrap metal processing facility owner as may be necessary to

6944 provide adequate screening of such junkyards or scrap metal  
6945 processing facilities, and he may purchase land or interests in land  
6946 from owners other than the junkyard owner or scrap metal processing  
6947 facility owner for the purpose of providing adequate screening of such  
6948 junkyards or scrap metal processing facilities.

6949       Sec. 267. Section 13a-123g of the general statutes is repealed and the  
6950 following is substituted in lieu thereof (*Effective January 1, 2010*):

6951       Any junkyard or scrap metal processing facility, established or  
6952 maintained in violation of sections 13a-123c to 13a-123j, inclusive, or  
6953 any regulation adopted thereunder, is declared to be a public nuisance  
6954 and the Commissioner of [Transportation] Highways may request the  
6955 Attorney General to initiate proceedings at law or in equity to abate  
6956 the nuisance, if, after said commissioner has given thirty days' notice,  
6957 by certified mail, to the owner of the property on which such junkyard  
6958 or scrap metal processing facility is located, such owner has not  
6959 removed the same.

6960       Sec. 268. Section 13a-123i of the general statutes is repealed and the  
6961 following is substituted in lieu thereof (*Effective January 1, 2010*):

6962       Nothing in sections 13a-123c to 13a-123j, inclusive, shall apply to  
6963 any junkyard or scrap metal processing facility which is located within  
6964 an area zoned for industrial use or which is within an area not so  
6965 zoned but which is used for industrial activities as determined from  
6966 actual land uses as defined by regulations of the Commissioner of  
6967 [Transportation] Highways.

6968       Sec. 269. Section 13a-123j of the general statutes is repealed and the  
6969 following is substituted in lieu thereof (*Effective January 1, 2010*):

6970       The Commissioner of [Transportation] Highways is authorized to  
6971 enter into agreements with the Secretary of Commerce of the United  
6972 States as provided by Section 136 of Title 23 of the United States Code,  
6973 and to act in the name of the state to comply with the terms of such

6974 agreement.

6975 Sec. 270. Section 13a-124a of the general statutes is repealed and the  
6976 following is substituted in lieu thereof (*Effective January 1, 2010*):

6977 (a) As used in this section, "specific information sign" means a  
6978 rectangular sign with the word GAS, FOOD, LODGING, or CAMPING  
6979 and exit directional information pertaining to the designated motorist  
6980 service placed at the top of the sign and upon which is mounted  
6981 separately attached business signs showing the brand, symbol,  
6982 trademark or name, or any combination of these, for the designated  
6983 service available on a crossroad at or near an interchange or  
6984 intersection.

6985 (b) The Commissioner of [Transportation] Highways may issue  
6986 permits for the erection and maintenance of specific information signs  
6987 and business signs within the rights-of-way of any portion of a state-  
6988 maintained limited access highway, except a parkway. The  
6989 commissioner shall not issue any such permit to any person or  
6990 company until such person or company files with the commissioner a  
6991 bond or recognizance to the state, satisfactory to the commissioner and  
6992 in such amount as the commissioner determines, subject to forfeiture  
6993 upon failure to comply with (1) the requirements of this section, (2)  
6994 regulations adopted pursuant to this section, or (3) any orders of the  
6995 commissioner relating to the erection and maintenance of specific  
6996 information signs and business signs. Any such bond or recognizance  
6997 shall remain in full force and effect as long as such person or company  
6998 is subject to any such requirements, regulations or orders as provided  
6999 in this section.

7000 (c) Any person or company issued a permit in accordance with  
7001 subsection (b) of this section shall be reimbursed, by subsequent  
7002 permittees on the same sign, the costs associated with said sign  
7003 divided by the number of other permittees on said sign.

7004 (d) The commissioner shall adopt regulations in accordance with

chapter 54 to carry out the purposes of this section. Such regulations shall include, but not be limited to, establishment of (1) fees for the permits issued under subsection (b) of this section, (2) reimbursements issued pursuant to subsection (c) of this section, and (3) standards for the location, size and maintenance of specific information signs and business signs.

Sec. 271. Section 13a-126 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

As used in this section, "public service facility" includes all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage and any other similar commodities, including fire and police signal systems and street lighting systems which directly or indirectly serve the public. Whenever the commissioner determines that any public service facility located within, on, along, over or under any land comprising the right-of-way of a state highway or any other public highway when necessitated by the construction or reconstruction of a state highway shall be readjusted or relocated in or removed from such right-of-way, the commissioner shall issue an appropriate order to the company, corporation or municipality owning or operating such facility, and such company, corporation or municipality shall readjust, relocate or remove the same promptly in accordance with such order; provided an equitable share of the cost of such readjustment, relocation or removal, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the state, except that the state shall not bear any share of the cost of a project of an electric distribution company, as defined in section 16-1 of the 2008 supplement to the general statutes, to readjust, relocate or remove any facility, as defined in subsection (a) of section 16-50i, used for transmitting electricity or as an electric transmission trunkline. The



7038 Department of [Transportation] Highways shall evaluate the total costs  
7039 of such a project, including department costs for construction or  
7040 reconstruction and electric distribution company costs for readjusting,  
7041 relocating or removing such facility, so as to minimize the overall costs  
7042 incurred by the state and the electric distribution company. The  
7043 electric distribution company may provide the department with  
7044 proposed alternatives to the relocation, readjustment or removal  
7045 proposed by the department and shall be responsible for any changes  
7046 to project costs attributable to adoption of the company's proposed  
7047 alternative designs for such project, including changes to the area of  
7048 the relocation, readjustment or removal and any incremental costs  
7049 incurred by the department to evaluate such alternatives. If such  
7050 electric distribution company and the department cannot agree on a  
7051 plan for such project, the Commissioner of [Transportation] Highways  
7052 and the chairperson of the Department of Public Utility Control shall,  
7053 on request of the company, jointly determine the alternative for the  
7054 project. Such equitable share, in the case of or in connection with the  
7055 construction or reconstruction of any limited access highway, shall be  
7056 the entire cost, less the deductions provided in this section, and, in the  
7057 case of or in connection with the construction or reconstruction of any  
7058 other state highway, shall be such portion or all of the entire cost, less  
7059 the deductions provided in this section, as may be fair and just under  
7060 all the circumstances, but shall not be less than fifty per cent of such  
7061 cost after the deductions provided in this section. In establishing the  
7062 equitable share of the cost to be borne by the state, there shall be  
7063 deducted from the cost of the readjusted, relocated or removed  
7064 facilities a sum based on a consideration of the value of materials  
7065 salvaged from existing installations, the cost of the original installation,  
7066 the life expectancy of the original facility and the unexpired term of  
7067 such life use. When any facility is removed from the right-of-way of a  
7068 public highway to a private right-of-way, the state shall not pay for  
7069 such private right-of-way, provided, when a municipally-owned  
7070 facility is thus removed from a municipally-owned highway, the state  
7071 shall pay for the private right-of-way needed by the municipality for

7072 such relocation. If the commissioner and the company, corporation or  
7073 municipality owning or operating such facility cannot agree upon the  
7074 share of the cost to be borne by the state, either may apply to the  
7075 superior court for the judicial district within which such highway is  
7076 situated, or, if said court is not in session, to any judge thereof, for a  
7077 determination of the cost to be borne by the state, and said court or  
7078 such judge, after causing notice of the pendency of such application to  
7079 be given to the other party, shall appoint a state referee to make such  
7080 determination. Such referee, having given at least ten days' notice to  
7081 the parties interested of the time and place of the hearing, shall hear  
7082 both parties, shall view such highway, shall take such testimony as  
7083 such referee deems material and shall thereupon determine the  
7084 amount of the cost to be borne by the state and immediately report to  
7085 the court. If the report is accepted by the court, such determination  
7086 shall, subject to right of appeal as in civil actions, be conclusive upon  
7087 both parties.

7088       Sec. 272. Section 13a-126a of the general statutes is repealed and the  
7089 following is substituted in lieu thereof (*Effective January 1, 2010*):

7090       Notwithstanding the provisions of any other statute, the  
7091 Commissioner of [Transportation] Highways may, for the purpose of  
7092 protecting the functional or aesthetic characteristics of any state  
7093 highway or state highway appurtenance, promulgate regulations for  
7094 the location and installation of any public service facility within, on,  
7095 along, over or under the right-of-way of any state highway or state  
7096 highway appurtenance and, when necessary to insure the protection of  
7097 the aesthetic characteristics of any state highway, within, on, along,  
7098 over or under the right-of-way of any other public highway; provided  
7099 no such regulation shall limit, restrict or derogate from any power,  
7100 right or authority of the Department of Public Utility Control as  
7101 provided by statute in respect to the location and installation of such  
7102 public service facilities. The state shall pay the additional cost of any  
7103 location, relocation, installation, adjustment or readjustment of any  
7104 public service facility made necessary by such regulations.

7105       Sec. 273. Section 13a-126b of the general statutes is repealed and the  
7106       following is substituted in lieu thereof (*Effective January 1, 2010*):

7107       The Commissioner of [Transportation] Highways is authorized,  
7108       when in his opinion it would be in the best interest of the state, to enter  
7109       into an agreement with the owner or operator of a public service  
7110       facility, as defined in section 13a-126 of the 2008 supplement to the  
7111       general statutes, for the revision, by the owner or operator, of the plans  
7112       for any proposed public service facility installation when such  
7113       installation is to be constructed prior to planned highway construction  
7114       and readjustment or relocation of such installation would be required  
7115       by the planned highway construction. The added cost of rights-of-way  
7116       and construction of the public service facility resulting from such  
7117       revision in plans shall, if the proposed public service facility would  
7118       have been located within an existing state highway, be paid in  
7119       accordance with said section 13a-126 of the 2008 supplement to the  
7120       general statutes, or if the proposed public service facility would not  
7121       have been located within an existing state highway, be paid from  
7122       appropriations made to the commissioner.

7123       Sec. 274. Section 13a-126c of the general statutes is repealed and the  
7124       following is substituted in lieu thereof (*Effective January 1, 2010*):

7125       Notwithstanding any provision of the general statutes, the  
7126       Commissioner of [Transportation] Highways may enter into an  
7127       agreement with the owner or operator of a public service facility, as  
7128       defined in section 13a-126 of the 2008 supplement to the general  
7129       statutes, desiring the longitudinal use of the right-of-way of a state  
7130       highway to accommodate trunkline or transmission-type utility  
7131       facilities and to fix the terms, conditions and rates and charges for use  
7132       of such right-of-way; provided, no such agreement shall exempt a  
7133       public service facility from the provisions of chapter 277a. In the case  
7134       of public service companies, as defined in subdivision (1) of subsection  
7135       (a) of section 16-1 of the 2008 supplement to the general statutes, such  
7136       charges or rates shall not exceed the actual administrative,

7137 construction, operation and maintenance costs of the department  
7138 incurred as a result of the public service company's use of a nonlimited  
7139 access state highway. The department may estimate such charges or  
7140 rates and require prepayment of such charges or rates, provided any  
7141 amount in excess of the actual amount shall be refunded to the public  
7142 service company.

7143       Sec. 275. Section 13a-130 of the general statutes is repealed and the  
7144 following is substituted in lieu thereof (*Effective January 1, 2010*):

7145       The bottom timbers of all bridges constructed over any railroad  
7146 track shall be not less than eighteen feet above the rails, unless the  
7147 Commissioner of [Transportation] Highways requires a lesser height  
7148 and prescribes the same in writing.

7149       Sec. 276. Section 13a-133 of the general statutes is repealed and the  
7150 following is substituted in lieu thereof (*Effective January 1, 2010*):

7151       The commissioner may enter into agreements with railroad  
7152 corporations for the purpose of performing any work which may be  
7153 necessary in connection with the construction of highways, bridges  
7154 and other public works undertaken by the Department of  
7155 [Transportation] Highways whenever such construction or work  
7156 would entail relocation, alteration or other work on the tracks, bridges  
7157 or other property of such corporations. Any such agreement, subject to  
7158 the approval of the State Treasurer, may provide for the monthly  
7159 advancement of funds to a special bank account administered jointly  
7160 by the railroad corporations and the State Treasurer, for the purpose of  
7161 covering the cost of such work, whenever it appears that otherwise  
7162 delay would result in the reasonable progress of such work which  
7163 would unreasonably obstruct and impede the construction of  
7164 highways and disrupt the free flow of public transportation.

7165       Sec. 277. Section 13a-140 of the general statutes is repealed and the  
7166 following is substituted in lieu thereof (*Effective January 1, 2010*):

7167 (a) The commissioner may cut, remove or prune any tree, shrub or  
7168 other vegetation situated wholly or partially within the limits of any  
7169 state highway so far as is reasonably necessary for safe and convenient  
7170 travel thereon. No person, firm or corporation, and no officer, agent or  
7171 employee of any municipal or other corporation, shall cut, remove or  
7172 prune any tree, shrub or vegetation situated partially or wholly within  
7173 the limits of any such highway without first obtaining from said  
7174 commissioner a written permit therefor, provided however, that  
7175 nothing contained in this subsection shall limit the rights of public  
7176 service companies, as defined in section 16-1 of the 2008 supplement to  
7177 the general statutes, to cut and trim trees and branches and otherwise  
7178 protect their lines, wires, conduits, cables and other equipment from  
7179 encroaching vegetation. No such permit shall be issued by the  
7180 commissioner unless the chief elected official of the municipality in  
7181 which any tree with a diameter greater than eighteen inches is situated  
7182 is notified in writing. The notice shall include the location and a  
7183 description of such tree to be cut or removed. No such permit for the  
7184 removal of any such tree, shrub or vegetation shall be refused if such  
7185 removal is necessary for that use of such adjoining land which is of the  
7186 highest pecuniary value. If such permit is refused on any state  
7187 highway right-of-way, where the state does not own the right-of-way  
7188 in fee, the owner of such tree, shrub or vegetation may, within thirty  
7189 days thereafter, request said commissioner in writing to purchase or  
7190 condemn an easement for the purpose of maintaining such tree, shrub  
7191 or vegetation and, if said commissioner does not purchase the same, he  
7192 shall condemn it, in the manner provided for the condemnation of  
7193 land for the construction, alteration, extension or widening of state  
7194 highways. Any payment so made shall be from funds appropriated to  
7195 the Department of [Transportation] Highways. Said commissioner  
7196 may plant, set out and care for trees, shrubs or vegetation within the  
7197 limits of such highways and, by agreement with the owner of land  
7198 adjoining such highways, upon such adjoining land. Upon request in  
7199 writing within thirty days of planting of trees, shrubs or vegetation to  
7200 delimit boundaries of a highway by an adjoining owner not agreeing

7201 thereto, said commissioner shall purchase or condemn an easement for  
7202 the purpose of maintaining such tree, shrub or vegetation in the  
7203 manner provided in this subsection. When the removal of such tree,  
7204 shrub or vegetation is necessary for that use of such adjoining land  
7205 which is of the highest pecuniary value, said commissioner shall  
7206 remove the same upon payment to him of all sums paid for said  
7207 planting and for any such easement with interest at the rate of six per  
7208 cent per annum. Any person, firm or corporation cutting, removing,  
7209 damaging or pruning any tree, shrub or vegetation in violation of the  
7210 provisions of this subsection, whether it was planted by the  
7211 commissioner or not, without a permit from said commissioner, shall  
7212 be fined not more than one thousand dollars for each such violation  
7213 and shall be liable civilly for any damage in an action brought by said  
7214 commissioner.

7215 (b) Notwithstanding the provisions of section 51-164p, any  
7216 municipality, by ordinance, may establish a civil penalty of not more  
7217 than one thousand dollars, for cutting, removing, damaging or  
7218 pruning any tree, shrub or vegetation in violation of the provisions of  
7219 subsection (a) of this section, on any scenic road, designated pursuant  
7220 to section 13b-31c, located in said municipality. Any such ordinance  
7221 shall provide for notice and an opportunity for a hearing prior to the  
7222 imposition of any such civil penalty. Any person who is assessed a  
7223 civil penalty pursuant to this subsection may appeal therefrom to the  
7224 Superior Court.

7225 Sec. 278. Section 13a-141 of the general statutes is repealed and the  
7226 following is substituted in lieu thereof (*Effective January 1, 2010*):

7227 (a) Upon written application made to the commissioner in such  
7228 form as he prescribes, said commissioner may issue permits to private  
7229 individuals, corporations or other organizations or to towns or other  
7230 public authorities or agencies to construct and maintain, at the expense  
7231 of the permittee or permittees, bridle paths, pedestrian walks, bicycle  
7232 paths and suitable entrances to, and exits from, such walks and paths

7233 on the land owned by the state along any highway maintained by the  
7234 state. Each such permit shall specify the location of the proposed walks  
7235 and paths and entrances and exits which may be constructed and  
7236 maintained thereunder. Each such permit may be revoked at any time,  
7237 with or without cause, by the commissioner. All construction and  
7238 maintenance work pursuant to each such permit shall be subject to the  
7239 supervision and control of the commissioner or, if the permittee so  
7240 desires and said commissioner consents thereto, the funds for such  
7241 work may be deposited in advance with the commissioner and the  
7242 construction and maintenance work may then be performed by the  
7243 commissioner to the extent that funds so deposited will pay for the  
7244 same, provided, if the work is performed by the commissioner, he shall  
7245 furnish to the permittee, prior to the commencement of such work, an  
7246 estimate of the cost thereof, with specifications of the work to be done.  
7247 No fee shall be charged any resident of the state for the use of such  
7248 walks and paths. If a town or other public authority or agency requests  
7249 a permit to construct and maintain such path or walk the  
7250 commissioner is authorized to contribute one-half of the cost of  
7251 construction of such path or walk from funds available to the  
7252 Department of [Transportation] Highways, provided such town,  
7253 public authority or agency agrees to assume the maintenance,  
7254 responsibility, liability and supervision of such path or walk.

7255 (b) When the selectmen of any town discontinue any highway or  
7256 private way, or land dedicated as such, pursuant to section 13a-49,  
7257 they may except from the operation of such discontinuance and  
7258 reserve to the town and to the public such rights in such discontinued  
7259 highway, private way or land dedicated as such, as may be reasonably  
7260 necessary to construct and maintain a bridle path, pedestrian walk or  
7261 bicycle path. Any such rights excepted and reserved to a town under  
7262 this section shall be subject to the rights of property owners bounding  
7263 a discontinued highway as are provided in section 13a-55.

7264 Sec. 279. Section 13a-141a of the general statutes is repealed and the  
7265 following is substituted in lieu thereof (*Effective January 1, 2010*):

7266 (a) The Commissioner of [Transportation] Highways shall prepare  
7267 and, when necessary, revise a state-wide plan for the establishment of  
7268 footpaths and bicycle trails to be located adjacent to state and local  
7269 roads except: (1) Where the establishment of such paths and trails  
7270 would be contrary to public health and safety; (2) if the cost of  
7271 establishing such paths and trails would be excessively  
7272 disproportionate to the need or probable use; or (3) where sparsity of  
7273 population, other available ways or other factors indicate an absence of  
7274 any need for such paths and trails.

7275 (b) Said commissioner shall cause to be constructed and maintained  
7276 such footpaths and bicycle trails adjacent to state roads as are  
7277 designated in the state-wide plan prepared under subsection (a) of this  
7278 section.

7279 (c) Any private individual, corporation or other organization or any  
7280 town or other public authority or agency wishing to construct and  
7281 maintain a footpath or bicycle trail along any highway maintained by  
7282 the state shall comply with the provisions of section 13a-141.

7283 (d) No footpath or bicycle trail to be located, in whole or in part,  
7284 within the boundaries of any transit district shall be constructed  
7285 without the prior approval of such transit district. Any footpath or  
7286 bicycle trail proposed by a transit district, whether or not said footpath  
7287 or bicycle trail is included in the state-wide plan, shall be given  
7288 priority in planning and construction.

7289 Sec. 280. Section 13a-142a of the general statutes is repealed and the  
7290 following is substituted in lieu thereof (*Effective January 1, 2010*):

7291 The Commissioner of [Transportation] Highways may acquire by  
7292 purchase but not by condemnation, in the same manner and with like  
7293 powers as said commissioner possesses in purchasing real property for  
7294 state highway purposes, and accept gifts of, land adjacent to state  
7295 highways and take a deed in the name of the state, and transfer  
7296 custody of such land to the Commissioner of Environmental Protection



7297 when such land, in the opinion of the Commissioner of  
7298 [Transportation] Highways and the Commissioner of Environmental  
7299 Protection, shall replace environmental protection land acquired from  
7300 the Department of Agriculture or the Commissioner of Environmental  
7301 Protection for highway purposes after October 1, 1965.

7302 Sec. 281. Section 13a-142b of the general statutes is repealed and the  
7303 following is substituted in lieu thereof (*Effective January 1, 2010*):

7304 If requested by the Commissioner of Environmental Protection, the  
7305 Commissioner of [Transportation] Highways may acquire by  
7306 purchase, gift, or condemnation, in the same manner and with like  
7307 powers as authorized and exercised by said commissioner in acquiring  
7308 real property for state highway purposes, any real property or interest  
7309 therein he shall find necessary or appropriate for the development of  
7310 linear parks along and adjacent to state highways. The custody and  
7311 control of such real property or interest therein acquired by the  
7312 Commissioner of [Transportation] Highways may be transferred by  
7313 him without consideration to the Commissioner of Environmental  
7314 Protection provided said Commissioner of Environmental Protection  
7315 shall agree to assume and provide for the maintenance, supervision,  
7316 responsibility and liability for the property so transferred, either  
7317 directly or through cooperative agreements with municipalities to  
7318 provide for maintenance and regulation. The Commissioner of  
7319 Environmental Protection is authorized to transfer funds appropriated  
7320 to the Department of Environmental Protection and the Commissioner  
7321 of [Transportation] Highways is authorized to accept said funds to  
7322 acquire real property for the purposes herein authorized. Such linear  
7323 parks may be located on either or both sides of a highway in one or  
7324 more towns and need not be continuous. No purchase or  
7325 condemnation of land, for the purposes herein authorized, in excess of  
7326 fifty feet from the edge of the highway right-of-way shall be made by  
7327 the Commissioner of [Transportation] Highways without the approval  
7328 of the legislative body of the municipality in which such land is  
7329 located.

7330 Sec. 282. Section 13a-142e of the general statutes is repealed and the  
7331 following is substituted in lieu thereof (*Effective January 1, 2010*):

7332 (a) The towns of East Lyme, Montville, Salem and Waterford may,  
7333 by ordinance consistent with the provisions of subsections (b) and (c)  
7334 of this section, establish a Route 11 Greenway Authority Commission  
7335 which shall be deemed established at such time as the last of the four  
7336 towns has adopted such ordinance.

7337 (b) Such ordinance shall specify the membership of the commission,  
7338 which shall consist of the Commissioner of Environmental Protection,  
7339 or said commissioner's designee, the Commissioner of [Transportation]  
7340 Highways, or said commissioner's designee, a member and alternate  
7341 member from each of the towns of East Lyme, Montville, Salem and  
7342 Waterford, appointed by the first selectman of each of said towns, and  
7343 a member and alternate member of the Southeastern Connecticut  
7344 Council of Governments appointed by said agency. Each member and  
7345 alternate member shall serve for a term of two years and until such  
7346 member's successor is appointed and has qualified. Such appointments  
7347 may be made at a meeting of the town's legislative body, to take effect  
7348 when the last of the four towns has adopted such ordinance. An  
7349 alternate member shall be empowered to vote on said commission in  
7350 the absence of the member for whom such person is an alternate. The  
7351 initial terms of members shall commence when the last of the four  
7352 towns adopting such ordinance has appointed a member and an  
7353 alternate member. Any vacancy on the commission shall be filled in  
7354 the same manner as the original appointment for the balance of the  
7355 unexpired term. No appointed member shall receive any  
7356 compensation for service on said commission. Said commission shall  
7357 elect from its members a chairperson and such other officers as it  
7358 deems necessary and shall establish its own rules of procedure. The  
7359 commission shall be an autonomous body within the Department of  
7360 [Transportation] Highways for administrative purposes only. The  
7361 commission may employ experts and such other assistants as it judges  
7362 necessary and may accept funds from any source. Notwithstanding

7363 any other provision of the general statutes, any funds appropriated to  
7364 the commission, or received by the commission from any other source,  
7365 shall be held in the custody of the commission and expended by the  
7366 commission for the purposes set forth in this section.

7367 (c) Such ordinance shall also require the Commissioner of  
7368 Environmental Protection and the Commissioner of [Transportation]  
7369 Highways, not later than sixty days after May 26, 2000, to call a  
7370 meeting of said commission which shall, within ninety days thereafter:

7371 (1) Hold public hearings for the purpose of developing standards  
7372 for (A) defining the initial boundaries of the Route 11 Greenway, (B)  
7373 planning the design, construction, maintenance and management of  
7374 the Route 11 Greenway and intermodal transportation access system,  
7375 (C) identifying and prioritizing lands that should be added to the  
7376 Route 11 Greenway, (D) recommending land use within the Route 11  
7377 Greenway, and (E) acquiring land and securing conservation  
7378 easements for the Route 11 Greenway, except that nothing in public act  
7379 00-148\* shall be construed to prohibit the acquisition of land within the  
7380 Route 11 Greenway by a municipality; and

7381 (2) Establish by-laws by which the commission shall (A) conduct its  
7382 meetings, including a provision specifying that no action by the  
7383 commission shall be effective except by the concurring vote of at least  
7384 four members, (B) protect and preserve the lands under its custody,  
7385 (C) supervise staff, (D) maintain its records, and (E) report to the  
7386 General Assembly, as required under subsection (d) of this section.

7387 (d) Notwithstanding any other provision of this section or the  
7388 general statutes, the commission may: (1) Acquire or convey by  
7389 purchase, gift, lease, devise, exchange or otherwise, any land or  
7390 interest therein including, but not limited to, conservation easements,  
7391 located wholly or partly in the conservation zone, provided state funds  
7392 may be used only to the extent that such funds have been authorized  
7393 specifically by an act of the General Assembly for the acquisition of  
7394 land located within two thousand feet of the Department of

7395 [Transportation's] Highways' right-of-way; (2) transfer, with the  
7396 approval of the commissioner, any land or interest therein to the state  
7397 with or without consideration, provided any funds received therefor  
7398 shall not be deemed funds furnished by the state for the purposes of  
7399 this section; (3) contribute or transfer funds to, and enter into  
7400 agreements with, land trusts or other conservation organizations, to  
7401 carry out the purposes of public act 00-148\*; and (4) request the  
7402 Commissioner of [Transportation] Highways to acquire an interest in  
7403 real property on behalf of the commission for use as part of the Route  
7404 11 Greenway and, if acquired by said commissioner, accept the  
7405 transfer of custody and control of such interest from said  
7406 commissioner. Said commissioner may acquire any interest in real  
7407 property for use as part of the Route 11 Greenway in the same manner  
7408 and with like powers as authorized and exercised by said  
7409 commissioner in acquiring real property for highway purposes and  
7410 may, upon request of the commission, transfer custody and control of  
7411 such interest in real property to the commission. The commission shall  
7412 report to the General Assembly, on or before February fifteenth,  
7413 annually, on its activities of the preceding year and on its finances. The  
7414 existence of the commission shall terminate at such time as all of its  
7415 member towns have withdrawn or it is abolished by the General  
7416 Assembly.

7417 Sec. 283. Section 13a-143a of the general statutes is repealed and the  
7418 following is substituted in lieu thereof (*Effective January 1, 2010*):

7419 No person shall construct a new driveway or relocate an existing  
7420 driveway leading onto a state highway without first obtaining a permit  
7421 from the Commissioner of [Transportation] Highways. In determining  
7422 the advisability of issuing such permit, the commissioner shall include,  
7423 in his consideration, the location of the driveway with respect to its  
7424 effect on highway drainage, highway safety, the width and character  
7425 of the highway affected, the density of traffic thereon and the character  
7426 of such traffic. The person to whom the permit is issued shall comply  
7427 with the provisions and restrictions contained therein at his own

7428 expense.

7429 Sec. 284. Section 13a-143c of the general statutes is repealed and the  
7430 following is substituted in lieu thereof (*Effective January 1, 2010*):

7431 Not later than February 1, 1996, the Commissioner of  
7432 [Transportation] Highways shall adopt regulations in accordance with  
7433 the provisions of chapter 54 to establish minimum requirements  
7434 relative to traffic safety for any car wash facility for which a building  
7435 permit is issued on or after February 1, 1996. Such regulations shall  
7436 include, but not be limited to, provisions which establish: (1) A  
7437 minimum distance from the entrance and exit of the car wash building  
7438 to the public highway; and (2) a minimum distance from the car wash  
7439 site to a highway intersection.

7440 Sec. 285. Section 13a-144 of the general statutes is repealed and the  
7441 following is substituted in lieu thereof (*Effective January 1, 2010*):

7442 Any person injured in person or property through the neglect or  
7443 default of the state or any of its employees by means of any defective  
7444 highway, bridge or sidewalk which it is the duty of the Commissioner  
7445 of [Transportation] Highways to keep in repair, or by reason of the  
7446 lack of any railing or fence on the side of such bridge or part of such  
7447 road which may be raised above the adjoining ground so as to be  
7448 unsafe for travel or, in case of the death of any person by reason of any  
7449 such neglect or default, the executor or administrator of such person,  
7450 may bring a civil action to recover damages sustained thereby against  
7451 the commissioner in the Superior Court. No such action shall be  
7452 brought except within two years from the date of such injury, nor  
7453 unless notice of such injury and a general description of the same and  
7454 of the cause thereof and of the time and place of its occurrence has  
7455 been given in writing within ninety days thereafter to the  
7456 commissioner. Such action shall be tried to the court or jury, and such  
7457 portion of the amount of the judgment rendered therein as exceeds any  
7458 amount paid to the plaintiff prior thereto under insurance liability  
7459 policies held by the state shall, upon the filing with the Comptroller of

7460 a certified copy of such judgment, be paid by the state out of the  
7461 appropriation for the commissioner for repair of highways; but no  
7462 costs or judgment fee in any such action shall be taxed against the  
7463 defendant. This section shall not be construed so as to relieve any  
7464 contractor or other person, through whose neglect or default any such  
7465 injury may have occurred, from liability to the state; and, upon  
7466 payment by the Comptroller of any judgment rendered under the  
7467 provisions of this section, the state shall be subrogated to the rights of  
7468 such injured person to recover from any such contractor or other  
7469 person an amount equal to the judgment it has so paid. The  
7470 commissioner, with the approval of the Attorney General and the  
7471 consent of the court before which any such action is pending, may  
7472 make an offer of judgment in settlement of any such claim. The  
7473 commissioner and the state shall not be liable in damages for injury to  
7474 person or property when such injury occurred on any highway or part  
7475 thereof abandoned by the state or on any portion of a highway not a  
7476 state highway but connecting with or crossing a state highway, which  
7477 portion is not within the traveled portion of such state highway. The  
7478 requirement of notice specified in this section shall be deemed  
7479 complied with if an action is commenced, by a writ and complaint  
7480 setting forth the injury and a general description of the same and of the  
7481 cause thereof and of the time and place of its occurrence, within the  
7482 time limited for the giving of such notice.

7483 Sec. 286. Section 13a-164 of the general statutes is repealed and the  
7484 following is substituted in lieu thereof (*Effective January 1, 2010*):

7485 Upon application in writing by the Commissioner of  
7486 [Transportation] Highways, the Comptroller may authorize the  
7487 temporary use by the commissioner of any unexpended balance or  
7488 part thereof of any specific appropriation or any other funds applied  
7489 without any specific appropriation for or to be used by the Department  
7490 of [Transportation] Highways, and such use may be for any purpose  
7491 for which the commissioner is authorized to expend any money of the  
7492 state, provided, in case of any funds received from the federal

7493 government under the provisions of any act of the Congress providing  
7494 for federal aid to states for highways, or from towns or railway  
7495 companies under statutory provisions concerning the construction of  
7496 bridges on state highways, the amount of such unexpended balance so  
7497 transferred shall be carried to the credit of the specific appropriation  
7498 from which such funds have been taken or transferred.

7499 Sec. 287. Section 13a-165 of the general statutes is repealed and the  
7500 following is substituted in lieu thereof (*Effective January 1, 2010*):

7501 This state having assented to the provisions of the act of the  
7502 Congress approved July 11, 1916, entitled "An Act to Provide that the  
7503 United States shall aid the States in the construction of rural post  
7504 roads, and for other purposes", the Commissioner of [Transportation]  
7505 Highways is authorized (a) to set aside, from time to time, from any  
7506 sums appropriated for the improvement of state highways in the state,  
7507 a sufficient sum to make available to this state the amounts  
7508 apportioned to it for the construction and maintenance of highways  
7509 under federal law and to enable the state to carry out and conform  
7510 with the provisions of federal law with respect thereto, (b) to apply for  
7511 and to obtain moneys, grants or other benefits from the United States  
7512 or any agency thereof in connection with roads, bridges or highways  
7513 and (c) to approve all programs, conclude all agreements, accept all  
7514 deeds, make all claims for payment, certify all matters and do any and  
7515 all other acts and things necessary or desirable to meet the  
7516 requirements of and obtain such moneys, grants or benefits from the  
7517 United States or any agency thereof.

7518 Sec. 288. Section 13a-165a of the general statutes is repealed and the  
7519 following is substituted in lieu thereof (*Effective January 1, 2010*):

7520 In the performance of his powers and duties under section 13a-165,  
7521 the Commissioner of [Transportation] Highways may accept on behalf  
7522 of the state any grant offered or made available to him by any  
7523 municipality for the purpose of financing the state share of a proposed  
7524 federal-aid highway project.

7525       Sec. 289. Section 13a-175a of the general statutes is repealed and the  
7526       following is substituted in lieu thereof (*Effective January 1, 2010*):

7527       For each fiscal year there shall be allocated twelve million five  
7528       hundred thousand dollars out of the funds appropriated to the  
7529       Department of [Transportation] Highways, or from any other source,  
7530       not otherwise prohibited by law, to be used by the towns for  
7531       construction, reconstruction, improvement or maintenance of  
7532       highways, sections of highways, bridges or structures incidental to  
7533       highways and bridges or the improvement thereof, including the  
7534       plowing of snow, the sanding of icy pavements, the trimming and  
7535       removal of trees, the installation, replacement and maintenance of  
7536       traffic signs, signals and markings, and for traffic control and vehicular  
7537       safety programs, traffic and parking planning and administration, and  
7538       other purposes and programs related to highways, traffic and parking,  
7539       and for the purposes of providing and operating essential public  
7540       transportation services and related facilities.

7541       Sec. 290. Section 13a-175b of the general statutes is repealed and the  
7542       following is substituted in lieu thereof (*Effective January 1, 2010*):

7543       Said sum shall be distributed to the towns as follows, provided the  
7544       amount of each such distribution shall be reduced proportionately in  
7545       the event that the total of all such distributions exceeds the amount  
7546       appropriated for the purposes of section 13a-175a: One thousand five  
7547       hundred dollars per mile shall be paid for each mile of improved roads  
7548       for the first thirty-two miles thereof and the remaining allocation shall  
7549       be distributed pro rata to the towns on the basis of the ratio of the  
7550       population of the town to the population of the state. The figures  
7551       promulgated by the Department of Vital Statistics of the Connecticut  
7552       Department of Public Health for the immediately preceding year shall  
7553       be used to determine a town's population. Any town which would be  
7554       allocated less under the provisions of this section than such town was  
7555       allocated for the fiscal year 1966-1967 under section 13a-169 prior to  
7556       July 1, 1967, shall be paid, from funds appropriated to the



7557 Commissioner of [Transportation] Highways, in addition to the  
7558 allocation provided herein, an amount equal to the difference between  
7559 said allocation and the amount allocated to such town for said fiscal  
7560 year. The commissioner and the selectmen of each town shall ascertain  
7561 the number of miles of such improved highways in such town. Cities  
7562 and boroughs not consolidated with their towns, and having  
7563 responsibility for construction or maintenance of public roads, shall  
7564 receive a pro rata share of the sum allotted to the town, such share to  
7565 be computed in the ratio of the population within the city or borough  
7566 to the total population in the town. If the commissioner and selectmen  
7567 of any town are unable to agree on the number of miles of improved  
7568 highways in such town, the commissioner shall determine the number  
7569 of miles of such improved highways in such town. Any town  
7570 aggrieved by the action of the commissioner may appeal therefrom in  
7571 accordance with the provisions of section 4-183.

7572 Sec. 291. Section 13a-175d of the general statutes is repealed and the  
7573 following is substituted in lieu thereof (*Effective January 1, 2010*):

7574 There shall be allocated from funds appropriated to the  
7575 Commissioner of [Transportation] Highways for town-aid grants for  
7576 roads the sum of one million dollars annually, to be distributed pro  
7577 rata to the towns in the state on the basis of the total mileage of  
7578 unimproved highways in each town, for the improvement or  
7579 maintenance of dirt and unimproved roads, including bridges on such  
7580 roads, and if approved by the commissioner and the selectmen in such  
7581 town, any portion of said sum distributed to such town in excess of the  
7582 amount used for the purposes as provided in this section may be used  
7583 for the purposes of the allocation provided under section 13a-175a. The  
7584 commissioner and the selectmen of each town shall ascertain the  
7585 number of miles of such unimproved highway in such town. If the  
7586 commissioner and the selectmen of any town are unable to agree on  
7587 the number of miles of unimproved highway in such town, the  
7588 commissioner shall determine the number of miles of unimproved  
7589 highway in such town. Any town aggrieved by such determination by

7590 the commissioner may appeal therefrom in accordance with the  
7591 provisions of section 4-183.

7592 Sec. 292. Section 13a-175j of the general statutes is repealed and the  
7593 following is substituted in lieu thereof (*Effective January 1, 2010*):

7594 Any balance of appropriations in excess of that required to be  
7595 distributed to the towns, under the formulas set forth in sections 13a-  
7596 175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter,  
7597 may be made available by the Governor, upon application of the  
7598 selectman or other authority having charge of highways in any town,  
7599 to be used to defray, in whole or part, the cost of repairs,  
7600 improvements, alteration or replacement of roads, bridges and dams in  
7601 such town which, in the opinion of the Governor, with the advice of  
7602 the Commissioner of [Transportation] Highways, in the case of roads  
7603 or bridges, and the Commissioner of Environmental Protection, in the  
7604 case of dams, constitute a threat to public safety as a result of damage  
7605 resulting from a natural disaster. Any such balance shall not lapse but  
7606 shall continue to be available and shall not be transferred to the  
7607 General Fund.

7608 Sec. 293. Section 13a-175p of the general statutes is repealed and the  
7609 following is substituted in lieu thereof (*Effective January 1, 2010*):

7610 The following terms, as used in sections 13a-175p to 13a-175u,  
7611 inclusive, shall have the following meanings unless the context clearly  
7612 indicates a different meaning or intent:

7613 (1) "Commissioner" means the Commissioner of [Transportation]  
7614 Highways.

7615 (2) "Eligible bridge" means a bridge located within one or more  
7616 municipalities in the state, the physical condition of which requires it  
7617 be removed, replaced, reconstructed, rehabilitated or improved as  
7618 determined by the commissioner.

7619 (3) "Eligible bridge project" means the removal, replacement,

7620 reconstruction, rehabilitation or improvement of an eligible bridge by  
7621 one or more municipalities.

7622 (4) "Grant percentage" means a percentage established by the  
7623 commissioner for each municipality by (A) ranking all municipalities  
7624 in descending order according to each such municipality's adjusted  
7625 equalized net grand list per capita as defined in section 10-261; and (B)  
7626 determining a percentage for each such municipality on a scale from  
7627 not less than ten per cent to not more than thirty-three per cent based  
7628 upon such ranking. In any case where a municipality does not have an  
7629 adjusted equalized net grand list per capita such municipality shall be  
7630 deemed to have the adjusted equalized net grand list per capita of the  
7631 town in which it is located.

7632 (5) "Local bridge program" means the local bridge program  
7633 established pursuant to sections 13a-175p to 13a-175u, inclusive.

7634 (6) "Local Bridge Revolving Fund" means the Local Bridge  
7635 Revolving Fund created under section 13a-175r.

7636 (7) "Municipality" means any town, city, borough, consolidated  
7637 town and city, consolidated town and borough, district or other  
7638 political subdivision of the state, owning or having responsibility for  
7639 the maintenance of all or a portion of an eligible bridge.

7640 (8) "Physical condition" means the physical condition of a bridge  
7641 based on its structural deficiencies, sufficiency rating and load capacity  
7642 all as determined by the commissioner.

7643 (9) "Priority list of eligible bridge projects" means the priority list of  
7644 eligible bridge projects established by the commissioner in accordance  
7645 with the provisions of section 13a-175s.

7646 (10) "Project costs" means the total costs of a project determined by  
7647 the commissioner to be necessary and reasonable.

7648 (11) "Project loan" means a loan made to a municipality from the

7649 Local Bridge Revolving Fund and evidenced by the municipality's  
7650 project loan obligation.

7651 (12) "Project loan agreement" means a loan agreement with respect  
7652 to a project loan as provided for in subsection (c) of section 13a-175s.

7653 (13) "Project loan obligation" means an obligation of a municipality  
7654 issued to evidence indebtedness under a project loan agreement and  
7655 payable to the state for the benefit of the Local Bridge Revolving Fund.

7656 (14) "Project grant" means a grant-in-aid made to a municipality  
7657 pursuant to section 13a-175s.

7658 (15) "Supplemental project obligation" means bonds or serial notes  
7659 issued by a municipality for the purpose of financing the portion of the  
7660 costs of an eligible bridge project not met from the proceeds of a  
7661 project grant or project loan.

7662 Sec. 294. Section 13a-176 of the general statutes is repealed and the  
7663 following is substituted in lieu thereof (*Effective January 1, 2010*):

7664 (a) The State Bond Commission shall have power, in accordance  
7665 with the provisions of sections 13a-176 to 13a-183, inclusive, to  
7666 authorize, in one or more series and in principal amounts not in the  
7667 aggregate exceeding the respective amounts hereinbelow stated, the  
7668 issuance of bonds of the state for any of the following purposes: (1)  
7669 Not more than three hundred ninety-three million one hundred  
7670 eighty-five thousand dollars for financing all or any part of the cost of  
7671 planning, designing, laying out, constructing, reconstructing or  
7672 improving any highways or other facilities, hereinafter sometimes  
7673 referred to as "highway projects" or, individually, as a "highway  
7674 project", on the National System of Interstate and Defense Highways  
7675 as designated on or after May 8, 1959, pursuant to federal law,  
7676 including but not limited to costs and expenses of right-of-way or  
7677 other property acquisitions therefor, expenses of the Department of  
7678 [Transportation] Highways in connection therewith for engineering,

7679 architectural and legal work or services, and all administrative and  
7680 other expenses properly attributable thereto, whether or not the United  
7681 States or agencies thereof are to contribute to such cost by participating  
7682 in payment or reimbursement thereof or otherwise and for any of the  
7683 projects or purposes of sections 1 to 6, inclusive, of public act 95-286\*;  
7684 (2) not more than forty-eight million dollars for financing all or any  
7685 part of the cost of planning, designing, laying out, constructing,  
7686 reconstructing or improving any highways or other facilities,  
7687 hereinafter sometimes referred to as "highway projects" or,  
7688 individually, as a "highway project", on the federal-aid primary system  
7689 or federal-aid secondary system as designated on or after May 8, 1959,  
7690 pursuant to federal law, including but not limited to costs and  
7691 expenses of right-of-way or other property acquisitions therefor,  
7692 expenses of the Department of [Transportation] Highways in  
7693 connection therewith for engineering, architectural and legal work or  
7694 services, and all administrative and other expenses properly  
7695 attributable thereto, whether or not the United States or agencies  
7696 thereof are to contribute to such cost by participating in payment or  
7697 reimbursement thereof or otherwise and for any of the projects or  
7698 purposes of sections 1 to 6, inclusive, of public act 95-286\*, and (3) not  
7699 more than thirty-eight million dollars for financing, refinancing or  
7700 paying expenditures made before or after May 8, 1959, in connection  
7701 with bridges or other properties operated by the Greater Hartford  
7702 Bridge Authority pursuant to part IV of chapter 235 of the 1958  
7703 revision of the general statutes, which expenditures may include any  
7704 payments made before or after said date by said authority and  
7705 payments on account of acquisition or payment of, or other provision  
7706 regarding, any indebtedness of said authority including any bonds or  
7707 notes issued by it before or after May 8, 1959, and payments on  
7708 account of any sums becoming due from the state pursuant to any  
7709 contract, agreement or other arrangement with said authority or  
7710 holders of any of said bonds or notes or representatives thereof.

7711 (b) It is the intention of the legislature that, insofar as practicable  
7712 and consistent with federal law and regulations, the proceeds of the

7713 additional amount of one hundred thirty-three million one hundred  
7714 eighty-five thousand dollars which may now be authorized pursuant  
7715 to this section for said National System of Interstate and Defense  
7716 Highways be spent, to the extent necessary for such purpose, to  
7717 finance costs referred to above with respect to highway projects  
7718 located on the following portions of said interstate system: (1)  
7719 Repealed by P.A. 78-107, S. 2; (2) Connecticut Interstate Route 84, from  
7720 west of Simmons Road in East Hartford to north of Middle Turnpike in  
7721 Manchester to Connecticut Routes 83 and 30 in Vernon; (3)  
7722 Connecticut Interstate Route 84, from Route 6A in Newtown to north  
7723 of River Road in Southbury; (4) and (5) Repealed by P.A. 78-107, S. 2;  
7724 (6) Connecticut Interstate Route 84 and interchanges, Danbury; and (7)  
7725 Connecticut Interstate Route 84 between Manchester and Connecticut  
7726 Route 52 in Plainfield.

7727       Sec. 295. Section 13a-178 of the general statutes is repealed and the  
7728 following is substituted in lieu thereof (*Effective January 1, 2010*):

7729       None of said bonds shall be authorized except upon a finding by the  
7730 State Bond Commission that there has been filed with it a request for  
7731 such authorization, which is signed by or on behalf of the  
7732 Commissioner of [Transportation] Highways and states such terms  
7733 and conditions as said commission, in its discretion, may require. Each  
7734 series of said bonds shall be authorized by a written determination  
7735 which is signed by a majority of the members of the State Bond  
7736 Commission and filed in the office of the Secretary of the State and sets  
7737 forth the principal amount of the bonds of such series and a  
7738 description of the purpose for which such bonds are authorized. Such  
7739 description may specify a particular highway project or particular  
7740 highway projects but shall be sufficient if made merely by a reference  
7741 to one of the numbered subdivisions of subsection (a) of section 13a-  
7742 176.

7743       Sec. 296. Section 13a-183 of the general statutes is repealed and the  
7744 following is substituted in lieu thereof (*Effective January 1, 2010*):

7745 For the purposes of this section, "state moneys" means the proceeds  
7746 of the sale of bonds authorized pursuant to sections 13a-176 to 13a-183,  
7747 inclusive, or of temporary notes issued in anticipation of the money to  
7748 be derived from the sale of such bonds. With each request filed as  
7749 provided in section 13a-178 for an authorization of bonds pursuant to  
7750 sections 13a-176 to 13a-183, inclusive, for any purpose described in  
7751 subdivision (1) or subdivision (2) of subsection (a) of section 13a-176,  
7752 the Commissioner of [Transportation] Highways shall also file a  
7753 certificate briefly identifying the highway projects for costs of which  
7754 the proceeds of the sale of such bonds are to be used and expended  
7755 and stating the amount of such proceeds to be so used and expended  
7756 for costs of each such project, together with a statement whether, in the  
7757 opinion of the commissioner, all or any part of federal moneys then  
7758 available or thereafter to be made available for costs in connection with  
7759 any such project should be added to the state moneys available or  
7760 becoming available hereunder for such project. If the certificate so filed  
7761 with respect to any such project includes a statement that some  
7762 amount of such federal moneys should be added to such state moneys,  
7763 then, if and to the extent directed by the State Bond Commission at the  
7764 time of authorization of such bonds, said amount of such federal  
7765 moneys then available or thereafter to be made available for costs in  
7766 connection with such project may be added to any state moneys  
7767 available or becoming available hereunder for such project and be  
7768 used for such project, and any other federal moneys then available or  
7769 thereafter to be made available for costs in connection with such  
7770 project upon receipt shall, in conformity with applicable federal law,  
7771 be used by the Treasurer to meet the principal and interest of  
7772 outstanding bonds issued pursuant to sections 13a-176 to 13a-183,  
7773 inclusive, or to meet the principal of temporary notes issued in  
7774 anticipation of the money to be derived from the sale of bonds  
7775 theretofore authorized pursuant to said sections for the purpose of  
7776 financing such costs, either by purchase or redemption and  
7777 cancellation of such bonds or notes or by payment thereof at maturity.  
7778 Whenever any of the federal moneys so received with respect to such

7779 highway projects are used to meet principal of such temporary notes  
7780 or whenever principal of any of such temporary notes is retired by  
7781 application of revenue receipts of the state, the amount of bonds  
7782 theretofore authorized in anticipation of which such temporary notes  
7783 were issued, and the aggregate amount of bonds which may be  
7784 authorized pursuant to section 13a-176, for the purpose stated in said  
7785 section 13a-176 which included said highway project, shall each be  
7786 reduced by the amount of the principal so met or retired. Pending use  
7787 of the federal moneys so received to meet principal as hereinabove  
7788 directed, the amount thereof may be invested by the Treasurer in  
7789 bonds or obligations of, or guaranteed by, the state or the United States  
7790 or agencies or instrumentalities of the United States, and shall be  
7791 deemed to be part of the debt retirement funds of the state, and net  
7792 earnings on such investments shall be used in the same manner as the  
7793 said moneys so invested.

7794 Sec. 297. Section 13a-184 of the general statutes is repealed and the  
7795 following is substituted in lieu thereof (*Effective January 1, 2010*):

7796 (a) The State Bond Commission shall have power, in accordance  
7797 with the provisions of sections 13a-184 to 13a-197, inclusive, from time  
7798 to time, to authorize the issuance of temporary notes as hereinafter  
7799 provided, and from time to time to authorize the issuance of bonds or  
7800 certificates of indebtedness of the state, hereinafter referred to as  
7801 securities, in one or more series and in principal amounts not in the  
7802 aggregate exceeding one hundred thirty-two million one hundred  
7803 thousand dollars. From the revenues anticipated to be available to the  
7804 Commissioner of [Transportation] Highways in the Highway Fund for  
7805 the biennium ending June 30, 1963, appropriation of the sum of  
7806 twenty-five million dollars for said biennium is hereby made, and  
7807 from the revenues anticipated to be available to the commissioner in  
7808 the Highway Fund for the biennium ending June 30, 1967,  
7809 appropriation of the sum of twenty-five million five hundred thousand  
7810 dollars for said biennium is hereby made, and said aggregate sum of  
7811 fifty million five hundred thousand dollars is appropriated for



7812 highway construction and other purposes as provided in said sections  
7813 and in subsections (d) and (e) of section 13b-26.

7814 (b) The State Bond Commission shall have power, in accordance  
7815 with the provisions of sections 13a-184 to 13a-197, inclusive, from time  
7816 to time, to authorize the issuance of temporary notes as hereinafter  
7817 provided, and from time to time, to authorize the issuance of bonds or  
7818 certificates of indebtedness of the state, hereinafter referred to as  
7819 securities, in one or more series and in principal amounts not in the  
7820 aggregate exceeding four hundred fifty-nine million four hundred  
7821 thousand dollars.

7822 Sec. 298. Section 13a-186 of the general statutes is repealed and the  
7823 following is substituted in lieu thereof (*Effective January 1, 2010*):

7824 None of said securities shall be authorized except upon a finding by  
7825 the State Bond Commission that there has been filed with it a request  
7826 for such authorization, which is signed by or on behalf of the  
7827 Commissioner of [Transportation] Highways and states such terms  
7828 and conditions as said commission, in its discretion, may require. Each  
7829 series of said securities shall be authorized by a written determination  
7830 which is signed by a majority of the members of the State Bond  
7831 Commission and filed in the office of the Secretary of the State and sets  
7832 forth the principal amount of the securities of such series and a  
7833 description of the purpose or several purposes for which such  
7834 securities are authorized. Such description may specify a part or parts  
7835 of a particular project or particular projects enumerated in section 13a-  
7836 185 but shall be sufficient if made merely by a reference to any of the  
7837 numbered subdivisions of either subsection of said section 13a-185.

7838 Sec. 299. Section 13a-198c of the general statutes is repealed and the  
7839 following is substituted in lieu thereof (*Effective January 1, 2010*):

7840 The Commissioner of [Transportation] Highways shall, subject to  
7841 approval by the Governor of allotment of funds therefor, undertake  
7842 and proceed with the projects described in section 13a-198b, and, for

7843 such purpose, the Commissioner of [Transportation] Highways with  
7844 respect to any such project may do and perform any act or thing  
7845 regarding the projects which are referred to in section 13a-198b.

7846 Sec. 300. Section 13a-198d of the general statutes is repealed and the  
7847 following is substituted in lieu thereof (*Effective January 1, 2010*):

7848 Subject to the limitations referred to in section 13a-198c and in order  
7849 to effectuate the purposes of sections 13a-198a to 13a-198j, inclusive,  
7850 the Commissioner of [Transportation] Highways may (1) plan, design,  
7851 lay out, construct, reconstruct, relocate, improve, maintain and operate  
7852 the projects, and reconstruct and relocate existing highways, sections  
7853 of highways, bridges or structures and incorporate or use the same,  
7854 whether or not so reconstructed or relocated or otherwise changed or  
7855 improved, as parts of such projects; (2) retain and employ consultants  
7856 and assistants on a contract or other basis for rendering professional,  
7857 legal, fiscal, engineering, technical or other assistance and advice; and  
7858 (3) do all things necessary or convenient to carry out the purposes and  
7859 duties and exercise the powers expressly given in sections 13a-198a to  
7860 13a-198j, inclusive. Except as otherwise stated in section 13a-198c,  
7861 nothing contained in sections 13a-198a to 13a-198j, inclusive, shall be  
7862 construed to limit or restrict, with respect to the projects, any power,  
7863 right or authority of the Commissioner of [Transportation] Highways  
7864 existing under or pursuant to any other law.

7865 Sec. 301. Section 13a-198e of the general statutes is repealed and the  
7866 following is substituted in lieu thereof (*Effective January 1, 2010*):

7867 None of the bonds referred to in section 13a-198a shall be  
7868 authorized except upon a finding by the State Bond Commission that  
7869 there has been filed with it a request for such authorization, which is  
7870 signed by or on behalf of the Commissioner of [Transportation]  
7871 Highways and states such terms and conditions as said commission in  
7872 its discretion may require. Each series of said bonds shall be  
7873 authorized by a written determination which is signed by a majority of  
7874 the members of the State Bond Commission and filed in the office of

7875 the Secretary of the State and sets forth the principal amount of the  
7876 bonds of such series and a description of the purpose or several  
7877 purposes for which such bonds are authorized. Such description may  
7878 specify a part or parts of a particular project or particular projects  
7879 enumerated in section 13a-198b but shall be sufficient if made merely  
7880 by a reference to any of the numbered subdivisions of said section 13a-  
7881 198b.

7882 Sec. 302. Section 13a-198g of the general statutes is repealed and the  
7883 following is substituted in lieu thereof (*Effective January 1, 2010*):

7884 By filing as provided in section 13a-198e of a determination  
7885 authorizing a series of bonds for projects or purposes described in said  
7886 determination in accordance with said section 13a-198e, the principal  
7887 amount of said bonds shall be deemed to have been appropriated for  
7888 said projects or purposes, and the Commissioner of [Transportation]  
7889 Highways may proceed in the name and on behalf of the state, on an  
7890 authorization or appropriation basis, subject to approval by the  
7891 Governor of allotment thereof, to award contracts and incur  
7892 obligations with respect to any such project or purpose in amounts not  
7893 in the aggregate exceeding the authorized principal amount of said  
7894 bonds, notwithstanding that such contracts and obligations may at any  
7895 particular date exceed the amount of the proceeds of such bonds  
7896 theretofore received by the state.

7897 Sec. 303. Section 13a-198m of the general statutes is repealed and the  
7898 following is substituted in lieu thereof (*Effective January 1, 2010*):

7899 The Commissioner of [Transportation] Highways is authorized and  
7900 directed, subject to approval by the Governor of allotment of funds  
7901 therefor, forthwith to undertake and proceed with the projects  
7902 described in section 13a-198l, and, to that end, the Commissioner of  
7903 [Transportation] Highways with respect to any such project is  
7904 authorized to do and perform any act or thing regarding the projects  
7905 which are mentioned or referred to in said section 13a-198l.

7906 Sec. 304. Section 13a-198n of the general statutes is repealed and the  
7907 following is substituted in lieu thereof (*Effective January 1, 2010*):

7908 Notwithstanding any provision of the general statutes or any  
7909 regulation issued pursuant to such statutes or any provision of any  
7910 special act to the contrary, the Department of [Transportation]  
7911 Highways shall not construct the Route 2-3 access road in the vicinity  
7912 of Forbes Street, East Hartford.

7913 Sec. 305. Section 13a-243 of the general statutes is repealed and the  
7914 following is substituted in lieu thereof (*Effective January 1, 2010*):

7915 By the filing as provided in section 13a-240 of a determination  
7916 authorizing a series of bonds for a purpose described in said  
7917 determination in accordance with said section 13a-240, the principal  
7918 amount of said bonds shall be deemed to have been appropriated for  
7919 said purpose, and the Commissioner of [Transportation] Highways  
7920 may proceed in the name and on behalf of the state, on an  
7921 authorization or appropriation basis, subject to approval by the  
7922 Governor of allotment thereof, to award contracts and incur  
7923 obligations with respect to such purpose in amounts not in the  
7924 aggregate exceeding the authorized principal amount of said bonds,  
7925 notwithstanding that such contracts and obligations may at any  
7926 particular date exceed the amount of the proceeds of such bonds  
7927 theretofore received by the state.

7928 Sec. 306. Section 13a-246 of the general statutes is repealed and the  
7929 following is substituted in lieu thereof (*Effective January 1, 2010*):

7930 Subject to the limitations referred to in section 13a-32, nothing in  
7931 sections 13a-239 to 13a-246, inclusive, shall prevent expenditure for the  
7932 project authorized by said section 13a-32 by the Commissioner of  
7933 [Transportation] Highways in accordance with law of more moneys  
7934 than are mentioned in subsection (a) of section 13a-239.

7935 Sec. 307. Section 13a-249 of the general statutes is repealed and the

7936 following is substituted in lieu thereof (*Effective January 1, 2010*):

7937 The commissioner may erect temporary buildings upon land owned  
7938 by the state and under the jurisdiction of the Department of  
7939 [Transportation] Highways for purposes incidental to the construction  
7940 and maintenance of highways.

7941 Sec. 308. Section 13a-251 of the general statutes is repealed and the  
7942 following is substituted in lieu thereof (*Effective January 1, 2010*):

7943 The commissioner may maintain, from funds available to the  
7944 Department of [Transportation] Highways, the James H. MacDonald  
7945 Memorial Park in the town of Avon.

7946 Sec. 309. Section 13a-252 of the general statutes is repealed and the  
7947 following is substituted in lieu thereof (*Effective January 1, 2010*):

7948 (a) The ferries crossing the Connecticut River, known as the Rocky  
7949 Hill ferry and the Chester and Hadlyme ferry, shall be maintained and  
7950 operated by the Commissioner of Public Transportation, Aviation and  
7951 Ports at the expense of the state. The rates of toll or the charges to be  
7952 made for travel upon said ferries shall be fixed by the commissioner  
7953 with the approval of the Secretary of the Office of Policy and  
7954 Management. The commissioner may establish a discounted commuter  
7955 rate for travel upon said ferries.

7956 (b) All expense of maintenance, repairs and operation of said ferries  
7957 shall be paid by the Comptroller on vouchers of the commissioner. The  
7958 commissioner shall include in his report to the General Assembly a  
7959 report of the receipts and expenditures incidental to the control and  
7960 maintenance of said ferries. Said Rocky Hill ferry shall be maintained  
7961 as a state historic structure and shall be so marked with an appropriate  
7962 plaque by the commissioner in cooperation with the Connecticut  
7963 Commission on Culture and Tourism.

7964 Sec. 310. Section 13a-253 of the general statutes is repealed and the  
7965 following is substituted in lieu thereof (*Effective January 1, 2010*):

7966 (a) The [commissioner] Commissioner of Public Transportation,  
7967 Aviation and Ports may repair, maintain and operate the dock on the  
7968 east bank of the Connecticut River, known as the "Opera House Dock",  
7969 in the town of East Haddam, as a public convenience. The  
7970 commissioner may make regulations, consistent with the welfare,  
7971 safety and convenience of the public, for the use of said dock and may  
7972 establish and from time to time revise rates for dockage fees and  
7973 collect such fees.

7974 (b) Any person who violates any regulation established as provided  
7975 in this section shall be fined not more than fifty dollars.

7976 Sec. 311. Section 13a-255 of the general statutes is repealed and the  
7977 following is substituted in lieu thereof (*Effective January 1, 2010*):

7978 (a) The systems of plane coordinates which have been established  
7979 by the National Geodetic Survey created by the National Ocean  
7980 Service, formerly the United States Coast and Geodetic Survey, or its  
7981 successors, or the Connecticut Geodetic Survey for purposes of  
7982 defining and stating the geographic positions or locations of points on  
7983 the surface of the earth within the state of Connecticut shall hereafter  
7984 be known and designated as the Connecticut Coordinate System of  
7985 1927 and the Connecticut Coordinate System of 1983. In any land  
7986 description in which such system is used, it shall be designated the  
7987 "Connecticut Coordinate System of 1927" or the "Connecticut  
7988 Coordinate System of 1983", whichever is applicable. A detailed  
7989 description of each system shall be published by the Commissioner of  
7990 [Transportation] Highways.

7991 (b) Said systems shall be designated as the Connecticut coordinate  
7992 systems, and said commissioner shall be responsible for their  
7993 extension, revision and maintenance.

7994 (c) The following definition by the National Ocean Service is  
7995 adopted: The plane coordinate values for a point on the earth's surface,  
7996 used to express the geographic position or location of such point, shall

7997 consist of two distances expressed in U.S. survey feet and decimals of a  
7998 foot. One of these distances, to be known as the "N-coordinate", shall  
7999 give the position in a north and south direction; the other, to be known  
8000 as the "E-coordinate", shall give the position in an east and west  
8001 direction. These coordinates shall be made to depend upon and  
8002 conform to plane rectangular coordinate values for the monumented  
8003 points of the North American Horizontal Geodetic Control Network as  
8004 published by the National Geodetic Survey created by the National  
8005 Ocean Service, formerly the United States Coast and Geodetic Survey,  
8006 or its successors, and whose plane coordinates have been computed on  
8007 the systems defined in this section.

8008 (1) "The Connecticut Coordinate System of 1927" is defined as  
8009 follows: A Lambert conformal conic projection of the Clarke spheroid  
8010 of 1866, having standard parallels at north latitudes 41 degrees 52  
8011 minutes and 41 degrees 12 minutes along which parallels the scale  
8012 shall be exact. The origin of coordinates is at the intersection of the  
8013 meridian 72 degrees 45 minutes west of Greenwich and the parallel 40  
8014 degrees 50 minutes north latitude. This origin is given the coordinates:  
8015 X=600,000 and Y=0 feet.

8016 (2) "The Connecticut Coordinate System of 1983" is defined as  
8017 follows: A Lambert conformal conic projection of the North American  
8018 datum of 1983, having standard parallels at north latitudes 41 degrees  
8019 52 minutes and 41 degrees 12 minutes along which parallels the scale  
8020 shall be exact. The origin of coordinates is at the intersection of the  
8021 meridian 72 degrees 45 minutes west of Greenwich and the parallel 40  
8022 degrees 50 minutes north latitude. This origin is given the coordinates:  
8023 N=500,000 feet and E=1,000,000 feet.

8024 (d) The use of the term "Connecticut Coordinate System of 1927" or  
8025 "the Connecticut Coordinate System of 1983" on any map, report of  
8026 survey or other document shall be limited to coordinates based on the  
8027 Connecticut coordinate systems, as defined in subsection (c).

8028 (e) For the purposes of describing the location of any survey station

8029 or land boundary corner in the state of Connecticut, it shall be  
8030 considered a complete, legal and satisfactory description of such  
8031 location to give the position of said survey station or land boundary  
8032 corner on the system of plane coordinates, as defined in this section.

8033 (f) Nothing contained in this section shall require descriptions of  
8034 real estate to be based only on either of the Connecticut coordinate  
8035 systems.

8036 (g) Said commissioner or his agent or agents may enter upon private  
8037 property for the purpose of surveying, establishing or maintaining the  
8038 survey. He shall use care so that no unnecessary damage shall result to  
8039 any private property and the state shall be liable to the owner of such  
8040 property for any damage so caused.

8041 (h) The Connecticut Coordinating System of 1927 shall not be used  
8042 for new mapping after December 31, 1996; the Connecticut Coordinate  
8043 System of 1983 shall be the sole system for new mapping after said  
8044 date.

8045 Sec. 312. Section 13a-258 of the general statutes is repealed and the  
8046 following is substituted in lieu thereof (*Effective January 1, 2010*):

8047 The Commissioner of [Transportation] Highways shall maintain  
8048 any sidewalk, including the removal of snow and ice, abutting  
8049 property acquired for highway purposes, from the date of acquisition  
8050 until the section of highway for which the property was acquired is  
8051 completed. The commissioner may agree with the municipality in  
8052 which such sidewalk is located that it perform such maintenance of,  
8053 and removal of snow and ice from, such sidewalk as the commissioner  
8054 deems necessary and reimburse the municipality for the expense  
8055 thereof; provided such agreement shall not, for the purposes of section  
8056 13a-144, release the commissioner from the duty to maintain such  
8057 sidewalk. Any person using such sidewalk shall do so at such person's  
8058 own risk when such sidewalk is posted in accordance with section 13a-  
8059 115.



8060       Sec. 313. Section 16a-106 of the 2008 supplement to the general  
8061 statutes is repealed and the following is substituted in lieu thereof  
8062 (*Effective January 1, 2010*):

8063       (a) No person shall transport into or through the state any of the  
8064 following materials: (1) Any quantity of radioactive material specified  
8065 as a "large quantity" by the Nuclear Regulatory Commission in 10 CFR,  
8066 Part 71, entitled "Packaging of Radioactive Material for Transport", (2)  
8067 any quantity of radioactive waste which has been produced as part of  
8068 the nuclear fuel cycle and which is being shipped from or through the  
8069 state to a waste disposal site or facility, or (3) any shipment of  
8070 radioactive material or waste which is carried by commercial carrier  
8071 and which is required in 10 CFR or 49 CFR to have a placard unless  
8072 such person has been granted a permit to transport such materials  
8073 from the Commissioner of [Transportation] Highways.

8074       (b) Prior to the transporting of such materials, such person shall  
8075 apply to the Commissioner of [Transportation] Highways for a permit  
8076 and provide said commissioner with the following information: (1)  
8077 Name of shipper, (2) name of carrier, (3) type and quantity of  
8078 radioactive material or waste, (4) proposed date and time of shipment,  
8079 (5) starting point, scheduled route, and destination, and (6) any other  
8080 information required by the commissioner. Said commissioner shall  
8081 grant such permit upon a finding that the transporting of such material  
8082 shall be accomplished in a manner necessary to protect the public  
8083 health and safety of the citizens of the state. Such permit shall be  
8084 granted or denied not later than three days, Saturdays and Sundays  
8085 excluded, after such person has applied for such permit, except that if  
8086 the commissioner determines that additional time is required to  
8087 evaluate such application, the commissioner shall notify such person  
8088 not later than such three-day period that such additional time is  
8089 required. Said commissioner may require changes in dates, routes or  
8090 time for the transporting of such material or the use of escorts in the  
8091 transporting of such material or waste if necessary to protect the public  
8092 health and safety. The commissioner may consult with the

8093 Commissioner of Environmental Protection and the Commissioner of  
8094 Public Safety prior to the granting of such permit and shall  
8095 immediately notify the Commissioner of Public Safety of the granting  
8096 of any permit and of the terms and conditions of such permit. The  
8097 Commissioner of Public Safety shall establish an inspection procedure  
8098 along scheduled routes to ensure compliance with permit conditions  
8099 and with regulations adopted by the Commissioner of  
8100 [Transportation] Highways pursuant to subsection (c) of this section.

8101 (c) The Commissioner of [Transportation] Highways shall, not later  
8102 than November 1, 1976, and after consultation with the Commissioners  
8103 of Environmental Protection, Public Safety and Emergency  
8104 Management and Homeland Security, the Secretary of the Office of  
8105 Policy and Management, representatives of the federal Nuclear  
8106 Regulatory Commission and the United States Department of  
8107 Transportation, adopt regulations pursuant to chapter 54, to carry out  
8108 the provisions of this section. The Commissioner of [Transportation]  
8109 Highways shall, after consultation with the Commissioner of Public  
8110 Safety, establish by regulations adopted pursuant to chapter 54 a  
8111 permit fee schedule commensurate with the cost of administering the  
8112 provisions of this section.

8113 (d) This section shall not apply to radioactive materials shipped by  
8114 or for the United States government for military or national security  
8115 purposes or which are related to national defense. Nothing herein shall  
8116 be construed as requiring the disclosure of any defense information or  
8117 restricted data as defined in the Atomic Energy Act of 1954 and the  
8118 Energy Reorganization Act of 1974, as amended.

8119 (e) Notwithstanding the provisions of the Freedom of Information  
8120 Act, as defined in section 1-200, the Commissioner of [Transportation]  
8121 Highways shall not disclose to any person other than the  
8122 Commissioner of Environmental Protection or the Commissioner of  
8123 Public Safety any information provided the Commissioner of  
8124 [Transportation] Highways pursuant to subsection (b) of this section

8125 prior to the completion of such shipment to which such information  
8126 relates.

8127 (f) Any person who violates any provision of this section shall be  
8128 fined not more than ten thousand dollars for each violation.

8129 Sec. 314. Section 16a-107 of the general statutes is repealed and the  
8130 following is substituted in lieu thereof (*Effective January 1, 2010*):

8131 No municipality shall adopt an ordinance which in any way  
8132 restricts the authority of the Commissioner of [Transportation]  
8133 Highways to designate the dates, routes or time for the transporting of  
8134 such radioactive material or waste and said commissioner's authority  
8135 shall supersede the provisions of any existing municipal ordinance to  
8136 the contrary.

8137 Sec. 315. Section 12-81e of the general statutes is repealed and the  
8138 following is substituted in lieu thereof (*Effective January 1, 2010*):

8139 Any van owned by (1) an employer in the state, (2) a regional ride-  
8140 sharing organization in the state recognized by the Commissioner of  
8141 Public Transportation, Aviation and Ports, or (3) a dealer providing  
8142 vans under lease to such employer or such regional ride-sharing  
8143 organization, which is used for the transportation of employees to and  
8144 from a place of employment in the state shall be exempt from the  
8145 assessment for property taxes permitted and required under this  
8146 chapter.

8147 Sec. 316. Subsection (a) of section 17b-276 of the general statutes is  
8148 repealed and the following is substituted in lieu thereof (*Effective*  
8149 *January 1, 2010*):

8150 (a) The Commissioner of Social Services shall identify geographic  
8151 areas of the state where competitive bidding for nonemergency  
8152 transportation services provided to medical assistance recipients to  
8153 access covered medical services would result in cost savings to the  
8154 state. For the identified areas, the Commissioner of Social Services, in

8155 consultation with the Commissioner of Public Transportation,  
8156 Aviation and Ports, the Commissioner of Public Health and the  
8157 Secretary of the Office of Policy and Management, shall purchase such  
8158 nonemergency transportation services through a competitive bidding  
8159 process. Any transportation providers awarded a contract or  
8160 subcontract for the direct provision of such services shall meet state  
8161 licensure or certification requirements and the nonemergency  
8162 transportation requirements established by the Department of Social  
8163 Services, and shall provide the most cost effective transportation  
8164 service, provided any contractor awarded a contract solely for  
8165 coordinating such transportation services shall not be required to meet  
8166 such licensure or certification requirements and provided the first such  
8167 contracts for the purchase of such services shall not exceed one year.  
8168 Prior to awarding a contract pursuant to this section, the  
8169 Commissioner of Social Services shall consider the effect of the contract  
8170 on the emergency ambulance primary service areas and volunteer  
8171 ambulance services affected by the contract. The commissioner may  
8172 limit the geographic areas to be served by a contractor and may limit  
8173 the amount of services to be performed by a contractor. The  
8174 commissioner may operate one or more pilot programs prior to state-  
8175 wide operation of a competitive bidding program for nonemergency  
8176 transportation services. By enrolling in the Medicaid program or  
8177 participating in the competitively bid contract for nonemergency  
8178 transportation services, providers of nonemergency transportation  
8179 services agree to offer to recipients of medical assistance all types or  
8180 levels of transportation services for which they are licensed or  
8181 certified. Effective October 1, 1991, payment for such services shall be  
8182 made only for services provided to an eligible recipient who is actually  
8183 transported. A contract entered into pursuant to this section may  
8184 include services provided by another state agency. Notwithstanding  
8185 any provision of the general statutes, a contract entered into pursuant  
8186 to this section shall establish the rates to be paid for the transportation  
8187 services provided under the contract. A contract entered into pursuant  
8188 to this section may include services provided by another state agency

8189 and shall supersede any conflicting provisions of the regulations of  
8190 Connecticut state agencies pertaining to medical transportation  
8191 services.

8192 Sec. 317. Section 4-5 of the 2008 supplement to the general statutes is  
8193 repealed and the following is substituted in lieu thereof (*Effective*  
8194 *January 1, 2010*):

8195 As used in sections 4-6, 4-7 of the 2008 supplement to the general  
8196 statutes and 4-8, the term "department head" means Secretary of the  
8197 Office of Policy and Management, Commissioner of Administrative  
8198 Services, Commissioner of Revenue Services, Banking Commissioner,  
8199 Commissioner of Children and Families, Commissioner of Consumer  
8200 Protection, Commissioner of Correction, Commissioner of Economic  
8201 and Community Development, State Board of Education,  
8202 Commissioner of Emergency Management and Homeland Security,  
8203 Commissioner of Environmental Protection, Commissioner of  
8204 Agriculture, Commissioner of Public Health, Insurance Commissioner,  
8205 Labor Commissioner, Liquor Control Commission, Commissioner of  
8206 Mental Health and Addiction Services, Commissioner of Public Safety,  
8207 Commissioner of Social Services, Commissioner of Developmental  
8208 Services, Commissioner of Motor Vehicles, Commissioner of Public  
8209 Transportation, Aviation and Ports, Commissioner of Highways,  
8210 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
8211 Commissioner of Health Care Access, Chief Information Officer, the  
8212 chairperson of the Public Utilities Control Authority, the executive  
8213 director of the Board of Education and Services for the Blind, the  
8214 executive director of the Connecticut Commission on Culture and  
8215 Tourism, the Ombudsman for Property Rights and the executive  
8216 director of the Office of Military Affairs. As used in sections 4-6 and 4-  
8217 7 of the 2008 supplement to the general statutes, "department head"  
8218 also means the Commissioner of Education.

8219 Sec. 318. (NEW) (*Effective January 1, 2010*) The Commissioner of  
8220 Public Transportation, Aviation and Ports and the Commissioner of

8221 Highways may jointly undertake planning studies, evaluations,  
8222 projects and services consistent with the missions of their respective  
8223 departments.

8224 Sec. 319. (NEW) (*Effective January 1, 2010*) During the fiscal year  
8225 ending June 30, 2010, the Secretary of the Office of Policy and  
8226 Management may, with the approval of the Governor, transfer funds  
8227 between the Department of Public Transportation, Aviation and Ports  
8228 and the Department of Highways, as necessary, in order to meet  
8229 operational needs.

8230 Sec. 320. (NEW) (*Effective January 1, 2010*) Not later than January 1,  
8231 2011, the Legislative Commissioners' Office shall recodify the  
8232 provisions of Titles 13a, 13b and 15 of the general statutes and provide  
8233 for a reorganization of said titles consistent with the provisions of this  
8234 act and the respective powers, duties and responsibilities of the  
8235 agencies affected by this act.

8236 Sec. 321. Subsection (a) of section 3-6b of the general statutes is  
8237 repealed and the following is substituted in lieu thereof (*Effective*  
8238 *January 1, 2010*):

8239 (a) In the event of a state-wide or regional transportation  
8240 emergency, the Governor may proclaim that the emergency exists and  
8241 is authorized to: (1) Establish programs, controls, standards or  
8242 practices in meeting transportation needs; (2) adopt measures affecting  
8243 the hours, days and locations of the operation of public or private  
8244 modes of transportation; (3) apply for and receive federal assistance;  
8245 (4) establish and implement regional programs and agreements to  
8246 coordinate state transportation resources with those of the federal,  
8247 other state and local governments; and (5) notwithstanding any  
8248 provision of the law to the contrary, enter into or authorize the  
8249 Commissioner of Highways or the Commissioner of Public  
8250 Transportation, Aviation and Ports to enter into any contract or  
8251 agreement necessary to maintain or restore transportation services. As  
8252 used in this section, "transportation emergency" means a substantial

8253 disruption in the operation of a major transportation facility or service  
8254 which endangers the public health, safety or welfare.

8255 Sec. 322. Subsection (b) of section 4b-51 of the 2008 supplement to  
8256 the general statutes is repealed and the following is substituted in lieu  
8257 thereof (*Effective January 1, 2010*):

8258 (b) No officer, department, institution, board, commission or council  
8259 of the state government, except the Commissioner of Public Works, the  
8260 Commissioner of Highways or the Commissioner of Public  
8261 Transportation, Aviation and Ports, the Connecticut Marketing  
8262 Authority, the Department of Agriculture for purposes of the program  
8263 established pursuant to section 26-237a, the Joint Committee on  
8264 Legislative Management, or a constituent unit of the state system of  
8265 higher education as authorized in subsection (a) of this section, shall,  
8266 unless otherwise specifically authorized by law, make or contract for  
8267 the making of any alteration, repair or addition to any real asset  
8268 involving an expenditure of more than five hundred thousand dollars.

8269 Sec. 323. Subsection (c) of section 31-57d of the general statutes is  
8270 repealed and the following is substituted in lieu thereof (*Effective*  
8271 *January 1, 2010*):

8272 (c) The Commissioner of Highways or the Commissioner of Public  
8273 Transportation, Aviation and Ports may disqualify any contractor, for  
8274 up to two years, from bidding on, applying for, or participating as a  
8275 subcontractor under, contracts with the state, acting through the  
8276 Department of Highways or the Department of Public Transportation,  
8277 Aviation and Ports, for one or more causes set forth under subsection  
8278 (d) of this section. [The] Such commissioner may initiate a  
8279 disqualification proceeding only after consulting with the Attorney  
8280 General and shall provide notice and an opportunity for a hearing to  
8281 the contractor who is the subject of the proceeding. The hearing shall  
8282 be conducted in accordance with the contested case procedures set  
8283 forth in chapter 54. [The] Such commissioner shall issue a written  
8284 decision within ninety days of the last date of such hearing and state in

8285 the decision the reasons for the action taken and, if the contractor is  
8286 being disqualified, the period of such disqualification. The existence of  
8287 a cause for disqualification does not require that the contractor be  
8288 disqualified. In determining whether to disqualify a contractor, [the]  
8289 such commissioner shall consider the seriousness of the contractor's  
8290 acts or omissions and any mitigating factors. [The] Such commissioner  
8291 shall send the decision to the contractor by certified mail, return  
8292 receipt requested. The written decision shall be a final decision for the  
8293 purposes of sections 4-180 and 4-183.

8294 Sec. 324. Subsection (b) of section 28-1b of the 2008 supplement to  
8295 the general statutes is repealed and the following is substituted in lieu  
8296 thereof (*Effective January 1, 2010*):

8297 (b) The council shall consist of: (1) The Commissioner of Emergency  
8298 Management and Homeland Security; the Secretary of the Office of  
8299 Policy and Management; the Commissioner of Public Safety; the  
8300 Commissioner of Public Health; the Commissioner of Mental Health  
8301 and Addiction Services; the Commissioner of Environmental  
8302 Protection; the Commissioner of Public Works; the Commissioner of  
8303 Highways; the Commissioner of Public Transportation, Aviation and  
8304 Ports; the Adjutant General of the Military Department; the  
8305 chairperson of the Department of Public Utility Control; the Chief  
8306 Information Officer, as defined in section 4d-1; the State Fire  
8307 Administrator; or their designees; and (2) the following members  
8308 appointed as follows: Two municipal police chiefs, one appointed by  
8309 the speaker of the House of Representatives and one appointed by the  
8310 Governor; two municipal fire chiefs, one appointed by the president  
8311 pro tempore of the Senate and one appointed by the Governor; one  
8312 volunteer fire chief appointed by the minority leader of the Senate; one  
8313 representative of the Connecticut Conference of Municipalities  
8314 appointed by the majority leader of the Senate; one representative of  
8315 the Council of Small Towns appointed by the minority leader of the  
8316 House of Representatives; two local or regional emergency  
8317 management directors, one appointed by the speaker of the House of



8318 Representatives and one designated, not later than July 1, 2007, by the  
8319 president of the Connecticut Emergency Management Association; one  
8320 local or regional health director appointed by the president pro  
8321 tempore of the Senate; one emergency medical services professional  
8322 appointed by the Governor; one nonprofit hospital administrator  
8323 appointed by the majority leader of the House of Representatives; and  
8324 one manager or coordinator of 9-1-1 public safety answering points  
8325 appointed by the Governor. Each member appointed under this  
8326 subdivision shall serve for a term of three years from July 1, 2004, or  
8327 three years from the time of appointment if appointed after July 1,  
8328 2004, or until a qualified successor has been appointed to replace such  
8329 member. No member appointed under this subdivision shall receive  
8330 any compensation for such member's service on the council.

8331 Sec. 325. Subsection (b) of section 22a-261 of the general statutes is  
8332 repealed and the following is substituted in lieu thereof (*Effective*  
8333 *January 1, 2010*):

8334 (b) On and before May 31, 2002, the powers of the authority shall be  
8335 vested in and exercised by a board of directors, which shall consist of  
8336 twelve directors: Four appointed by the Governor and two ex-officio  
8337 members, who shall have a vote including the Commissioner of  
8338 [Transportation] Highways and the Commissioner of Economic and  
8339 Community Development; two appointed by the president pro  
8340 tempore of the Senate, two by the speaker of the House, one by the  
8341 minority leader of the Senate and one by the minority leader of the  
8342 House of Representatives. Any such legislative appointee may be a  
8343 member of the General Assembly. The directors appointed by the  
8344 Governor under this subsection shall serve for terms of four years  
8345 each, from January first next succeeding their appointment, provided,  
8346 of the directors first appointed, two shall serve for terms of two years,  
8347 and two for terms of four years, from January first next succeeding  
8348 their appointment. Any vacancy occurring under this subsection other  
8349 than by expiration of term shall be filled in the same manner as the  
8350 original appointment for the balance of the unexpired term. Of the four

8351 members appointed by the Governor under this subsection, two shall  
8352 be first selectmen, mayors or managers of Connecticut municipalities;  
8353 one from a municipality with a population of less than fifty thousand,  
8354 one from a municipality of over fifty thousand population; two shall  
8355 be public members without official governmental office or status with  
8356 extensive high-level experience in municipal or corporate finance or  
8357 business or industry, provided not more than two of such appointees  
8358 shall be members of the same political party. The chairman of the  
8359 board under this subsection shall be appointed by the Governor, with  
8360 the advice and consent of both houses of the General Assembly and  
8361 shall serve at the pleasure of the Governor. Notwithstanding the  
8362 provisions of this subsection, the terms of all members of the board of  
8363 directors who are serving on May 31, 2002, shall expire on said date.

8364 Sec. 326. Subsection (c) of section 22a-241 of the general statutes is  
8365 repealed and the following is substituted in lieu thereof (*Effective*  
8366 *January 1, 2010*):

8367 (c) There is established an advisory council to advise the  
8368 Commissioner of Environmental Protection on implementation of the  
8369 municipal solid waste recycling program. The advisory council may  
8370 study any issue related to recycling, including composting and  
8371 packaging. In any such study the advisory council may consult with  
8372 persons with specific information related to the study. If it deems it  
8373 appropriate, the advisory council shall recommend a list of materials  
8374 that should be banned in the state. The advisory council shall consist  
8375 of: The Secretary of the Office of Policy and Management, or his  
8376 designee; the Commissioner of Economic and Community  
8377 Development, or his designee; the Commissioner of Administrative  
8378 Services, or his designee; the Commissioner of [Transportation]  
8379 Highways, or his designee; the chairman of the Connecticut Resources  
8380 Recovery Authority, or his designee; one person appointed by the  
8381 Connecticut Conference of Municipalities; one person appointed by  
8382 the Council of Small Towns; one person representing a municipality  
8383 having a population of not more than ten thousand to be appointed by

8384 the minority leader of the Senate, one person representing a  
8385 municipality having a population of more than ten thousand but not  
8386 more than fifty thousand to be appointed by the minority leader of the  
8387 House of Representatives, one person representing a municipality  
8388 having a population of more than fifty thousand but not more than one  
8389 hundred thousand to be appointed by the president pro tempore of the  
8390 Senate, one person representing a municipality having a population of  
8391 more than one hundred thousand to be appointed by the speaker of  
8392 the House of Representatives; two members of the public, one of  
8393 whom shall be appointed by the majority leader of the House of  
8394 Representatives and one of whom shall be appointed by the majority  
8395 leader of the Senate; two persons representing recycling industries, one  
8396 of whom shall be appointed by the speaker of the House of  
8397 Representatives and one by the minority leader of the House of  
8398 Representatives; two persons representing the packaging industry, one  
8399 of whom shall be appointed by the speaker of the House of  
8400 Representatives and one of whom shall be appointed by the president  
8401 pro tempore of the Senate; a trash hauler to be appointed by the  
8402 speaker of the House of Representatives; one person representing an  
8403 industry using recycled material, to be appointed by the president pro  
8404 tempore of the Senate; one person representing an environmental  
8405 organization to be appointed by the speaker of the House of  
8406 Representatives; one person representing business and industry to be  
8407 appointed by the minority leader of the House of Representatives, and  
8408 a regional recycling coordinator to be appointed by the minority leader  
8409 of the Senate, the cochairmen and ranking members of the joint  
8410 standing committee of the General Assembly having cognizance of  
8411 matters relating to the environment and four members of the General  
8412 Assembly to be appointed as follows: One by the speaker of the House  
8413 of Representatives, one by the president pro tempore of the Senate, one  
8414 by the minority leader of the House of Representatives and one by the  
8415 majority leader of the House of Representatives. The members of the  
8416 task force shall elect a chairman, who shall be one of the members  
8417 appointed by the speaker of the House of Representatives or by the

8418 president pro tempore of the Senate.

8419 Sec. 327. Subsection (b) of section 22-456 of the general statutes is  
8420 repealed and the following is substituted in lieu thereof (*Effective*  
8421 *January 1, 2010*):

8422 (b) The council shall consist of the following members: (1) One  
8423 appointed by the majority leader of the Senate who shall be involved  
8424 in agriculture or in an agriculture organization; (2) one appointed by  
8425 the president pro tempore of the Senate who shall be involved in an  
8426 antihunger organization; (3) one appointed by the minority leader of  
8427 the Senate, who shall represent the Cooperative Extension Service; (4)  
8428 one appointed by the minority leader of the House of Representatives  
8429 who shall be a food retailer; (5) one appointed by the speaker of the  
8430 House of Representatives who shall be involved in agriculture or in an  
8431 agriculture organization; (6) one appointed by the majority leader of  
8432 the House of Representatives who shall be a produce wholesaler; (7)  
8433 the Commissioner of Agriculture, or his designee; (8) the  
8434 Commissioner of Administrative Services, or his designee; (9) the  
8435 Commissioner of Education, or his designee; (10) the Commissioner of  
8436 [Transportation] Highways, or his designee; (11) the Commissioner of  
8437 Public Health, or his designee; (12) the Commissioner of Social  
8438 Services, or his designee; (13) the head of each state department, as  
8439 defined in section 4-5 of the 2008 supplement to the general statutes,  
8440 who is not one of the commissioners designated in subdivisions (7) to  
8441 (12), inclusive, of this subsection who shall be members ex officio  
8442 without the right to vote; and (14) the chairman of the joint standing  
8443 committee of the General Assembly having cognizance of matters  
8444 relating to the environment who shall be a member ex officio without  
8445 the right to vote. The council shall elect a chairperson and a vice-  
8446 chairperson from among its members. Any person absent from (A)  
8447 three consecutive meetings of the commission or (B) fifty per cent of  
8448 such meetings during any calendar year shall be deemed to have  
8449 resigned from the council, effective immediately. Vacancies on the  
8450 council shall be filled by the appointing authority. Members of the

8451 council serve without compensation but shall, within the limits of  
8452 available funds, be reimbursed for expenses necessarily incurred in the  
8453 performance of their duties. The council shall meet as often as deemed  
8454 necessary by the chairperson or a majority of the council.

8455 Sec. 328. Subsection (c) of section 17b-337 of the 2008 supplement to  
8456 the general statutes is repealed and the following is substituted in lieu  
8457 thereof (*Effective January 1, 2010*):

8458 (c) The Long-Term Care Planning Committee shall consist of: (1)  
8459 The chairpersons and ranking members of the joint standing and select  
8460 committees of the General Assembly having cognizance of matters  
8461 relating to human services, public health, elderly services and  
8462 long-term care; (2) the Commissioner of Social Services, or the  
8463 commissioner's designee; (3) one member of the Office of Policy and  
8464 Management appointed by the Secretary of the Office of Policy and  
8465 Management; (4) one member from the Department of Social Services  
8466 appointed by the Commissioner of Social Services; (5) one member  
8467 from the Department of Public Health appointed by the Commissioner  
8468 of Public Health; (6) one member from the Department of Economic  
8469 and Community Development appointed by the Commissioner of  
8470 Economic and Community Development; (7) one member from the  
8471 Office of Health Care Access appointed by the Commissioner of  
8472 Health Care Access; (8) one member from the Department of  
8473 Developmental Services appointed by the Commissioner of  
8474 Developmental Services; (9) one member from the Department of  
8475 Mental Health and Addiction Services appointed by the Commissioner  
8476 of Mental Health and Addiction Services; (10) one member from the  
8477 Department of Public Transportation, Aviation and Ports appointed by  
8478 the Commissioner of Public Transportation, Aviation and Ports; (11)  
8479 one member from the Department of Children and Families appointed  
8480 by the Commissioner of Children and Families; and (12) the executive  
8481 director of the Office of Protection and Advocacy for Persons with  
8482 Disabilities or the executive director's designee. The committee shall  
8483 convene no later than ninety days after June 4, 1998. Any vacancy shall

8484 be filled by the appointing authority. The chairperson shall be elected  
8485 from among the members of the committee. The committee shall seek  
8486 the advice and participation of any person, organization or state or  
8487 federal agency it deems necessary to carry out the provisions of this  
8488 section.

8489 Sec. 329. Sections 13b-1, 13b-3, 13b-4, 13b-10, 13b-17, 13b-20, 13b-77  
8490 and 13b-79t of the general statutes are repealed. (*Effective January 1,*  
8491 *2010*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	13b-2
Sec. 6	<i>January 1, 2010</i>	13b-4a
Sec. 7	<i>January 1, 2010</i>	13b-4b
Sec. 8	<i>January 1, 2010</i>	13b-4c
Sec. 9	<i>January 1, 2010</i>	13b-4d
Sec. 10	<i>January 1, 2010</i>	13b-11a
Sec. 11	<i>January 1, 2010</i>	13b-11b
Sec. 12	<i>January 1, 2010</i>	13b-15
Sec. 13	<i>January 1, 2010</i>	13b-15a
Sec. 14	<i>January 1, 2010</i>	13b-16c
Sec. 15	<i>January 1, 2010</i>	13b-20b
Sec. 16	<i>January 1, 2010</i>	13b-20c
Sec. 17	<i>January 1, 2010</i>	13b-20d
Sec. 18	<i>January 1, 2010</i>	13b-20g
Sec. 19	<i>January 1, 2010</i>	13b-20i
Sec. 20	<i>January 1, 2010</i>	13b-20m
Sec. 21	<i>January 1, 2010</i>	13b-20n
Sec. 22	<i>January 1, 2010</i>	13b-34a
Sec. 23	<i>January 1, 2010</i>	13b-36
Sec. 24	<i>January 1, 2010</i>	13b-38a
Sec. 25	<i>January 1, 2010</i>	13b-38b
Sec. 26	<i>January 1, 2010</i>	13b-38c

Sec. 27	January 1, 2010	13b-38g
Sec. 28	January 1, 2010	13b-38k
Sec. 29	January 1, 2010	13b-38p
Sec. 30	January 1, 2010	13b-38t
Sec. 31	January 1, 2010	13b-38x
Sec. 32	January 1, 2010	13b-38bb
Sec. 33	January 1, 2010	13b-39a
Sec. 34	January 1, 2010	13b-39b
Sec. 35	January 1, 2010	13b-39h
Sec. 36	January 1, 2010	13b-46
Sec. 37	January 1, 2010	13b-49a
Sec. 38	January 1, 2010	13b-50a
Sec. 39	January 1, 2010	13b-50p
Sec. 40	January 1, 2010	13b-51a
Sec. 41	January 1, 2010	13b-51b
Sec. 42	January 1, 2010	13b-56
Sec. 43	January 1, 2010	13b-57
Sec. 44	January 1, 2010	13b-57d(a)
Sec. 45	January 1, 2010	13b-57e
Sec. 46	January 1, 2010	13b-57g(j)
Sec. 47	January 1, 2010	13b-57k
Sec. 48	January 1, 2010	13b-57l
Sec. 49	January 1, 2010	13b-57q
Sec. 50	January 1, 2010	13b-69
Sec. 51	January 1, 2010	13b-78l
Sec. 52	January 1, 2010	13b-78m(c) and (d)
Sec. 53	January 1, 2010	13b-78n
Sec. 54	January 1, 2010	13b-78o
Sec. 55	January 1, 2010	13b-78p(b)
Sec. 56	January 1, 2010	13b-78q(b)
Sec. 57	January 1, 2010	13b-78r(b)
Sec. 58	January 1, 2010	13b-78s(b)
Sec. 59	January 1, 2010	13b-79
Sec. 60	January 1, 2010	13b-79a
Sec. 61	January 1, 2010	13b-79b
Sec. 62	January 1, 2010	13b-79c
Sec. 63	January 1, 2010	13b-79d
Sec. 64	January 1, 2010	13b-79o
Sec. 65	January 1, 2010	13b-79p
Sec. 66	January 1, 2010	13b-79s

Sec. 67	<i>January 1, 2010</i>	13b-79u
Sec. 68	<i>January 1, 2010</i>	13b-79z
Sec. 69	<i>January 1, 2010</i>	13b-79kk
Sec. 70	<i>January 1, 2010</i>	13b-79ll
Sec. 71	<i>January 1, 2010</i>	13b-81
Sec. 72	<i>January 1, 2010</i>	13b-86
Sec. 73	<i>January 1, 2010</i>	13b-87
Sec. 74	<i>January 1, 2010</i>	13b-88
Sec. 75	<i>January 1, 2010</i>	13b-89
Sec. 76	<i>January 1, 2010</i>	13b-89a
Sec. 77	<i>January 1, 2010</i>	13b-91
Sec. 78	<i>January 1, 2010</i>	13b-92
Sec. 79	<i>January 1, 2010</i>	13b-93
Sec. 80	<i>January 1, 2010</i>	13b-94a
Sec. 81	<i>January 1, 2010</i>	13b-96
Sec. 82	<i>January 1, 2010</i>	13b-97
Sec. 83	<i>January 1, 2010</i>	13b-97a
Sec. 84	<i>January 1, 2010</i>	13b-101
Sec. 85	<i>January 1, 2010</i>	13b-102
Sec. 86	<i>January 1, 2010</i>	13b-103
Sec. 87	<i>January 1, 2010</i>	13b-104
Sec. 88	<i>January 1, 2010</i>	13b-105
Sec. 89	<i>January 1, 2010</i>	13b-107
Sec. 90	<i>January 1, 2010</i>	13b-108
Sec. 91	<i>January 1, 2010</i>	13b-108a
Sec. 92	<i>January 1, 2010</i>	13b-109
Sec. 93	<i>January 1, 2010</i>	13b-200
Sec. 94	<i>January 1, 2010</i>	13b-201
Sec. 95	<i>January 1, 2010</i>	13b-202
Sec. 96	<i>January 1, 2010</i>	13b-203
Sec. 97	<i>January 1, 2010</i>	13b-204
Sec. 98	<i>January 1, 2010</i>	13b-205
Sec. 99	<i>January 1, 2010</i>	13b-212a
Sec. 100	<i>January 1, 2010</i>	13b-212c
Sec. 101	<i>January 1, 2010</i>	13b-212d
Sec. 102	<i>January 1, 2010</i>	13b-214
Sec. 103	<i>January 1, 2010</i>	13b-221
Sec. 104	<i>January 1, 2010</i>	13b-223
Sec. 105	<i>January 1, 2010</i>	13b-228
Sec. 106	<i>January 1, 2010</i>	13b-229



Sec. 107	<i>January 1, 2010</i>	13b-230
Sec. 108	<i>January 1, 2010</i>	13b-231
Sec. 109	<i>January 1, 2010</i>	13b-232
Sec. 110	<i>January 1, 2010</i>	13b-233
Sec. 111	<i>January 1, 2010</i>	13b-235
Sec. 112	<i>January 1, 2010</i>	13b-236(d)
Sec. 113	<i>January 1, 2010</i>	13b-245
Sec. 114	<i>January 1, 2010</i>	13b-246
Sec. 115	<i>January 1, 2010</i>	13b-248
Sec. 116	<i>January 1, 2010</i>	13b-249
Sec. 117	<i>January 1, 2010</i>	13b-250
Sec. 118	<i>January 1, 2010</i>	13b-251
Sec. 119	<i>January 1, 2010</i>	13b-253
Sec. 120	<i>January 1, 2010</i>	13b-254
Sec. 121	<i>January 1, 2010</i>	13b-260
Sec. 122	<i>January 1, 2010</i>	13b-263
Sec. 123	<i>January 1, 2010</i>	13b-264
Sec. 124	<i>January 1, 2010</i>	13b-265
Sec. 125	<i>January 1, 2010</i>	13b-267
Sec. 126	<i>January 1, 2010</i>	13b-268
Sec. 127	<i>January 1, 2010</i>	13b-269
Sec. 128	<i>January 1, 2010</i>	13b-270
Sec. 129	<i>January 1, 2010</i>	13b-271
Sec. 130	<i>January 1, 2010</i>	13b-272
Sec. 131	<i>January 1, 2010</i>	13b-273
Sec. 132	<i>January 1, 2010</i>	13b-274
Sec. 133	<i>January 1, 2010</i>	13b-275
Sec. 134	<i>January 1, 2010</i>	13b-276
Sec. 135	<i>January 1, 2010</i>	13b-277
Sec. 136	<i>January 1, 2010</i>	13b-279
Sec. 137	<i>January 1, 2010</i>	13b-280
Sec. 138	<i>January 1, 2010</i>	13b-281
Sec. 139	<i>January 1, 2010</i>	13b-282
Sec. 140	<i>January 1, 2010</i>	13b-283
Sec. 141	<i>January 1, 2010</i>	13b-284
Sec. 142	<i>January 1, 2010</i>	13b-285
Sec. 143	<i>January 1, 2010</i>	13b-287
Sec. 144	<i>January 1, 2010</i>	13b-289
Sec. 145	<i>January 1, 2010</i>	13b-292
Sec. 146	<i>January 1, 2010</i>	13b-293

Sec. 147	<i>January 1, 2010</i>	13b-294
Sec. 148	<i>January 1, 2010</i>	13b-295
Sec. 149	<i>January 1, 2010</i>	13b-296
Sec. 150	<i>January 1, 2010</i>	13b-297
Sec. 151	<i>January 1, 2010</i>	13b-298
Sec. 152	<i>January 1, 2010</i>	13b-299
Sec. 153	<i>January 1, 2010</i>	13b-300
Sec. 154	<i>January 1, 2010</i>	13b-302
Sec. 155	<i>January 1, 2010</i>	13b-303
Sec. 156	<i>January 1, 2010</i>	13b-304
Sec. 157	<i>January 1, 2010</i>	13b-308
Sec. 158	<i>January 1, 2010</i>	13b-309
Sec. 159	<i>January 1, 2010</i>	13b-310
Sec. 160	<i>January 1, 2010</i>	13b-311
Sec. 161	<i>January 1, 2010</i>	13b-312
Sec. 162	<i>January 1, 2010</i>	13b-315
Sec. 163	<i>January 1, 2010</i>	13b-324
Sec. 164	<i>January 1, 2010</i>	13b-325
Sec. 165	<i>January 1, 2010</i>	13b-329
Sec. 166	<i>January 1, 2010</i>	13b-330
Sec. 167	<i>January 1, 2010</i>	13b-334
Sec. 168	<i>January 1, 2010</i>	13b-339
Sec. 169	<i>January 1, 2010</i>	13b-340
Sec. 170	<i>January 1, 2010</i>	13b-341
Sec. 171	<i>January 1, 2010</i>	13b-342
Sec. 172	<i>January 1, 2010</i>	13b-343
Sec. 173	<i>January 1, 2010</i>	13b-344
Sec. 174	<i>January 1, 2010</i>	13b-345
Sec. 175	<i>January 1, 2010</i>	13b-345a
Sec. 176	<i>January 1, 2010</i>	13b-348
Sec. 177	<i>January 1, 2010</i>	13b-349
Sec. 178	<i>January 1, 2010</i>	13b-351
Sec. 179	<i>January 1, 2010</i>	13b-353
Sec. 180	<i>January 1, 2010</i>	13b-354a
Sec. 181	<i>January 1, 2010</i>	13b-355
Sec. 182	<i>January 1, 2010</i>	13b-375
Sec. 183	<i>January 1, 2010</i>	13b-376
Sec. 184	<i>January 1, 2010</i>	13b-389
Sec. 185	<i>January 1, 2010</i>	13b-390
Sec. 186	<i>January 1, 2010</i>	13b-391

Sec. 187	<i>January 1, 2010</i>	13b-392
Sec. 188	<i>January 1, 2010</i>	13b-393
Sec. 189	<i>January 1, 2010</i>	13b-395
Sec. 190	<i>January 1, 2010</i>	13b-396a
Sec. 191	<i>January 1, 2010</i>	13b-398
Sec. 192	<i>January 1, 2010</i>	13b-399
Sec. 193	<i>January 1, 2010</i>	13b-400
Sec. 194	<i>January 1, 2010</i>	13b-401
Sec. 195	<i>January 1, 2010</i>	13b-402
Sec. 196	<i>January 1, 2010</i>	13b-406
Sec. 197	<i>January 1, 2010</i>	13b-407
Sec. 198	<i>January 1, 2010</i>	13b-408
Sec. 199	<i>January 1, 2010</i>	13b-409
Sec. 200	<i>January 1, 2010</i>	13b-410
Sec. 201	<i>January 1, 2010</i>	13b-410c
Sec. 202	<i>January 1, 2010</i>	13b-411
Sec. 203	<i>January 1, 2010</i>	13b-413
Sec. 204	<i>January 1, 2010</i>	13b-414
Sec. 205	<i>January 1, 2010</i>	15-1
Sec. 206	<i>January 1, 2010</i>	15-9
Sec. 207	<i>January 1, 2010</i>	15-11a
Sec. 208	<i>January 1, 2010</i>	15-13
Sec. 209	<i>January 1, 2010</i>	15-13c
Sec. 210	<i>January 1, 2010</i>	15-14
Sec. 211	<i>January 1, 2010</i>	15-15a
Sec. 212	<i>January 1, 2010</i>	15-15b
Sec. 213	<i>January 1, 2010</i>	15-15d
Sec. 214	<i>January 1, 2010</i>	15-15e
Sec. 215	<i>January 1, 2010</i>	15-25
Sec. 216	<i>January 1, 2010</i>	15-34
Sec. 217	<i>January 1, 2010</i>	15-74a
Sec. 218	<i>January 1, 2010</i>	15-74b
Sec. 219	<i>January 1, 2010</i>	15-74c
Sec. 220	<i>January 1, 2010</i>	15-101l
Sec. 221	<i>January 1, 2010</i>	15-101m
Sec. 222	<i>January 1, 2010</i>	15-101t
Sec. 223	<i>January 1, 2010</i>	15-101ee
Sec. 224	<i>January 1, 2010</i>	15-101mm
Sec. 225	<i>January 1, 2010</i>	15-101nn
Sec. 226	<i>January 1, 2010</i>	15-101oo

Sec. 227	<i>January 1, 2010</i>	15-103
Sec. 228	<i>January 1, 2010</i>	15-104
Sec. 229	<i>January 1, 2010</i>	13a-1
Sec. 230	<i>January 1, 2010</i>	13a-3b
Sec. 231	<i>January 1, 2010</i>	13a-5
Sec. 232	<i>January 1, 2010</i>	13a-12
Sec. 233	<i>January 1, 2010</i>	13a-13a
Sec. 234	<i>January 1, 2010</i>	13a-57a
Sec. 235	<i>January 1, 2010</i>	13a-57b
Sec. 236	<i>January 1, 2010</i>	13a-58
Sec. 237	<i>January 1, 2010</i>	13a-58a
Sec. 238	<i>January 1, 2010</i>	13a-60a
Sec. 239	<i>January 1, 2010</i>	13a-73
Sec. 240	<i>January 1, 2010</i>	13a-76
Sec. 241	<i>January 1, 2010</i>	13a-79c
Sec. 242	<i>January 1, 2010</i>	13a-80
Sec. 243	<i>January 1, 2010</i>	13a-80a
Sec. 244	<i>January 1, 2010</i>	13a-80b
Sec. 245	<i>January 1, 2010</i>	13a-80c
Sec. 246	<i>January 1, 2010</i>	13a-80d
Sec. 247	<i>January 1, 2010</i>	13a-80f
Sec. 248	<i>January 1, 2010</i>	13a-80h
Sec. 249	<i>January 1, 2010</i>	13a-85a
Sec. 250	<i>January 1, 2010</i>	13a-85c
Sec. 251	<i>January 1, 2010</i>	13a-95a
Sec. 252	<i>January 1, 2010</i>	13a-97b
Sec. 253	<i>January 1, 2010</i>	13a-97c
Sec. 254	<i>January 1, 2010</i>	13a-98a
Sec. 255	<i>January 1, 2010</i>	13a-98b
Sec. 256	<i>January 1, 2010</i>	13a-98l
Sec. 257	<i>January 1, 2010</i>	13a-100a
Sec. 258	<i>January 1, 2010</i>	13a-106
Sec. 259	<i>January 1, 2010</i>	13a-110a
Sec. 260	<i>January 1, 2010</i>	13a-111
Sec. 261	<i>January 1, 2010</i>	13a-115
Sec. 262	<i>January 1, 2010</i>	13a-123
Sec. 263	<i>January 1, 2010</i>	13a-123c
Sec. 264	<i>January 1, 2010</i>	13a-123d
Sec. 265	<i>January 1, 2010</i>	13a-123e
Sec. 266	<i>January 1, 2010</i>	13a-123f

Sec. 267	<i>January 1, 2010</i>	13a-123g
Sec. 268	<i>January 1, 2010</i>	13a-123i
Sec. 269	<i>January 1, 2010</i>	13a-123j
Sec. 270	<i>January 1, 2010</i>	13a-124a
Sec. 271	<i>January 1, 2010</i>	13a-126
Sec. 272	<i>January 1, 2010</i>	13a-126a
Sec. 273	<i>January 1, 2010</i>	13a-126b
Sec. 274	<i>January 1, 2010</i>	13a-126c
Sec. 275	<i>January 1, 2010</i>	13a-130
Sec. 276	<i>January 1, 2010</i>	13a-133
Sec. 277	<i>January 1, 2010</i>	13a-140
Sec. 278	<i>January 1, 2010</i>	13a-141
Sec. 279	<i>January 1, 2010</i>	13a-141a
Sec. 280	<i>January 1, 2010</i>	13a-142a
Sec. 281	<i>January 1, 2010</i>	13a-142b
Sec. 282	<i>January 1, 2010</i>	13a-142e
Sec. 283	<i>January 1, 2010</i>	13a-143a
Sec. 284	<i>January 1, 2010</i>	13a-143c
Sec. 285	<i>January 1, 2010</i>	13a-144
Sec. 286	<i>January 1, 2010</i>	13a-164
Sec. 287	<i>January 1, 2010</i>	13a-165
Sec. 288	<i>January 1, 2010</i>	13a-165a
Sec. 289	<i>January 1, 2010</i>	13a-175a
Sec. 290	<i>January 1, 2010</i>	13a-175b
Sec. 291	<i>January 1, 2010</i>	13a-175d
Sec. 292	<i>January 1, 2010</i>	13a-175j
Sec. 293	<i>January 1, 2010</i>	13a-175p
Sec. 294	<i>January 1, 2010</i>	13a-176
Sec. 295	<i>January 1, 2010</i>	13a-178
Sec. 296	<i>January 1, 2010</i>	13a-183
Sec. 297	<i>January 1, 2010</i>	13a-184
Sec. 298	<i>January 1, 2010</i>	13a-186
Sec. 299	<i>January 1, 2010</i>	13a-198c
Sec. 300	<i>January 1, 2010</i>	13a-198d
Sec. 301	<i>January 1, 2010</i>	13a-198e
Sec. 302	<i>January 1, 2010</i>	13a-198g
Sec. 303	<i>January 1, 2010</i>	13a-198m
Sec. 304	<i>January 1, 2010</i>	13a-198n
Sec. 305	<i>January 1, 2010</i>	13a-243
Sec. 306	<i>January 1, 2010</i>	13a-246

Sec. 307	<i>January 1, 2010</i>	13a-249
Sec. 308	<i>January 1, 2010</i>	13a-251
Sec. 309	<i>January 1, 2010</i>	13a-252
Sec. 310	<i>January 1, 2010</i>	13a-253
Sec. 311	<i>January 1, 2010</i>	13a-255
Sec. 312	<i>January 1, 2010</i>	13a-258
Sec. 313	<i>January 1, 2010</i>	16a-106
Sec. 314	<i>January 1, 2010</i>	16a-107
Sec. 315	<i>January 1, 2010</i>	12-81e
Sec. 316	<i>January 1, 2010</i>	17b-276(a)
Sec. 317	<i>January 1, 2010</i>	4-5
Sec. 318	<i>January 1, 2010</i>	New section
Sec. 319	<i>January 1, 2010</i>	New section
Sec. 320	<i>January 1, 2010</i>	New section
Sec. 321	<i>January 1, 2010</i>	3-6b(a)
Sec. 322	<i>January 1, 2010</i>	4b-51(b)
Sec. 323	<i>January 1, 2010</i>	31-57d(c)
Sec. 324	<i>January 1, 2010</i>	28-1b(b)
Sec. 325	<i>January 1, 2010</i>	22a-261(b)
Sec. 326	<i>January 1, 2010</i>	22a-241(c)
Sec. 327	<i>January 1, 2010</i>	22-456(b)
Sec. 328	<i>January 1, 2010</i>	17b-337(c)
Sec. 329	<i>January 1, 2010</i>	Repealer section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*